

# EXHIBIT 1

**Sidney Zabludoff**  
**Wednesday, October 3, 2007**  
**House Committee on International Relations,**  
**Subcommittee on Europe and Emerging Threats**

Thank you for allowing me to present the facts relating to restitution of Holocaust era assets. My basic conclusion after examining the issue for some 10 years is that extraordinary events require extraordinary resolutions. Clearly, the murder of two-thirds of continental European Jewry and the confiscation of nearly all Jewish assets by the Nazis and their collaborators was such an event. I will look at three aspects of the issue: Progress of overall restitution, ICHEIC's effectiveness and where we can go from here.

Pledges and laws aimed at restoring property seized by the Nazis and their collaborators were made soon after World War II began. Starting with Poland in late 1939, all governments-in-exile from occupied countries nullified the confiscatory actions taken by the Nazi invaders. Throughout the war, the Allies stated in numerous proclamations that a major aim was to ensure the return of property stolen, confiscated or taken under duress. In the post-war era, however, other issues such as the Cold War soon overshadowed and thwarted any such endeavor. By the end of the post-war era only about 15 percent of the value of stolen assets had been returned to their rightful owner or their heirs.

A resurgence of interest in Holocaust restitution occurred in the mid 1990s. Progress was made on a number of fronts but in the end there was more talk and minimal actions. Roughly only an additional 3 percent of stolen assets were returned, bringing the total to less than 20 percent. Altogether, at least some \$120 to \$185 billion in stolen assets at 2007 prices has never been returned.

Of particular interest in the revival of the asset issue was the International Commission of Holocaust-Era Insurance Claims (ICHEIC). Established in 1998, this unique body brought together insurance companies, state regulators and Jewish groups including the State of Israel in an effort to compensate for unpaid Holocaust era insurance claims. The concept was to do so quickly without going through the complexities and duration of legal procedures or government programs. When the claims process was completed this year, however, only about 3 percent of the amount outstanding in life insurance was paid, few, if any, non-life policies were considered; the process took eight years instead of the originally anticipated two; and only a small humanitarian fund was developed even though all parties anticipated that large amounts would never be paid.

The chief reasons for this failure were inept governance and poor management. Governance became akin to secret diplomacy, in which those who ran ICHEIC relied heavily on dealing only with those who favored their views while making promises to others that were never fulfilled or too long delayed. ICHEIC management mainly ignored the numerous studies pinpointing the serious

problem with the claims process. Judge Michael Mukasey succinctly summed up the problem when he described ICHEIC as "in a sense, the company store."

It is for these reasons, the legislation introduced by Congresswoman Ros-Lehtinen is important. It requires insurers to publicly disclose the names of Holocaust-era policyholders (including non-life) and to be accountable for paying legitimate claims via the courts. It should be noted that for life policies only, insurance companies are benefiting from some \$17 billion in unpaid Holocaust era policies.

Clearly, a missing element remains payments to a humanitarian fund to support needy Holocaust survivors. Those working on ICHEIC and other restitution efforts know at the start that no matter what steps are taken to find claimants, many policies will remain unpaid. This is because whole families were wiped out by the horrific events of the Holocaust, leaving only distant relatives with little knowledge of the policyholders, especially when dealing with events that occurred more than a half century ago. Recognizing this fact, ICHEIC attempted at one time to calculate the overall value of policies—called the "top down approach." The companies would then pay the difference between this overall estimate and the amounts actually paid claimants to a fund that would support needy survivors and other causes. This approach, however, was forgotten as ICHEIC proceeded, and only relatively small amounts were provided for such a humanitarian fund, mostly under an accord with Germany. Insurance companies failed completely to deal with this issue.

This brings me to my final point—where do we go from here. Besides pressing individual claims, I would suggest an International Remembrance Fund to support needy Holocaust survivors who are in their autumn years. Currently there are approximately 600,000 Holocaust survivors worldwide and actuarial data indicate their number will diminish sharply during the next ten years. A review of the available studies indicates significant differences both in the number of survivors and those lacking adequate income for each country, as well as to what financial support is needed to maintain the survivors' daily living expenses and health requirements. For example, one study of United States indicates that the income of more than half the survivors falls within the poverty or near poverty bracket; while another undertaken at about the same time indicates about 30 percent. Such differences often reflect definitional issues. It also should be pointed out that the average amount required for a needy survivor will increase because of higher health care expenditures of an aging population. My first very rough approximation is that between \$20 and \$40 billion will be required during the next ten years to sustain needy survivors. But less than \$1 billion is now available from humanitarian funds of ongoing restitution programs.

Clearly, what is urgently required is an in-depth study to determine more precisely the likely financial requirements of needy survivors over the next 10-15 years. This would take into consideration funds they are already receiving

through various governments as well as private assistance. Simultaneously, we must reach a global accord to establish an International Remembrance Fund financed by governments as well as corporations to deal with the plight of needy survivors of Nazi persecution. This will require an innovative financial structure. But again extraordinary measures are essential in dealing with an extraordinary event such as the Holocaust.

Annex A  
Jewish Life Insurance Holocaust Era  
Conservative Estimate

Date of info.	Sums ins loc. cur.	Number of policies	Jewish Population (%)	Jewish Policies (a)	Jewish sums ins loc. Cur (b)	Exchange rate 12/31/1938	Total sums ins. 1938	Jewish sums ins. 1938 \$	Jewish % of total \$ 1938	Jewish sums ins 1997	Jewish sums ins unpaid (%)
	(millions)	(thousand)	(%)	(thousand)	(millions)	(US cents)	(millions\$)	(millions\$)	%	(mill 2003\$)	(%)
Bulgaria 1938	6,151	232	0.8	4	196.8	1.2325	75.8	2.426	3.2	79.81	90
Czech 1937	14,418	1,470	2.6	76	1499.5	3.4273	494.1	51.391	10.4	1,690.78	90
Greece (f) 1935	23,044	600	1.0	12	921.8	0.8514	196.2	7.848	3.2	258.19	90
Hungary 1937	669	809	5.7	92	152.5	28.9	193.3	44.082	22.8	1,450.29	90
Poland 1937	633	261	9.7	51	245.6	18.91	119.7	46.444	38.8	1,528.00	90
Romania 1938	10,810	143	4.4	13	1902.6	0.7278	78.7	13.847	17.6	455.56	90
Yugo. 1937	3,299	137	0.6	2	79.2	2.2766	75.1	1.803	2.4	59.30	90
<b>Sub total</b>							<b>1233.0</b>	<b>167.840</b>	<b>13.6</b>	<b>5521.94</b>	
Austria 1936	1,834	1,472	3.2	71	176.1	18.92	347.0	33.311	9.6	1,095.94	80
Belgium 1938	12,765	2,228	0.8	18	306.4	3.38	431.5	10.355	2.4	340.68	30
France 1938	65,032	3,135	0.7	22	1365.7	2.6253	1707.3	35.853	2.1	1,179.56	30
Italy 1938	25,903	2,769	0.1	3	77.7	5.2604	1362.6	4.088	0.3	134.49	30
Neth. (1) 1938	3,652	1,237	1.4	22	100.0	54.3944	1986.5	54.394	2.7	1,789.58	30
Neth. (2) 1938	1,015	10,198	1.4	143	14.2	54.3944	552.1	7.724	1.4	254.12	100
Germany 1938	26,443	31,427	1.1	346	872.6	29	7,668.5	253,060	3.3	8,325.66	30
<b>Total</b>		<b>56,118</b>		<b>875</b>			<b>15,288.4</b>	<b>566,625</b>	<b>3.7</b>	<b>18,641.96</b>	

(a) Jewish propensity for number of policies: Eastern Europe 2, Austria 1.5 and Western Europe 1 (except Netherlands (1) is actual number confisca  
 (b) Jewish propensity for sums insured: Eastern Europe 4, Western Europe 3 (except Netherlands (1) is actual, based on surrender value)  
 © Germany exchange rate is set at purchasing power parity instead of official 40 US cents; Hungarian rate is as September, 30, 1941.  
 (d) Multiplier from 1942 (deemed date of death) to 2003 is 32.9; based on annual yield for 30 year US Government bond.  
 (e) Does not include policies repaid since 1998 under ICHERIC; German unpaid is based on paid of \$514.25 million which is the BEG payment for 1955 converted to dollars and increased to 2003 using the US Government 30 year bond yield.  
 (f) Uses the same dollar average total per policy as Bulgaria.  
 Netherlands (1) Regular life and annuity policies  
 Netherlands (2) Numerous small valued "Volksverzekeringen" or burial policies; none of these Jewish policies repaid.

Jewish sums ins. 1997	Jewish policies 1997	Total sums ins. 1938	Jewish sums ins. 1938
unpaid (mill 2003\$) (thousand)	unpaid (e)	per policy \$	per policy \$
71.83	3.6	327	606
1,521.70	68.4	336	676
232.38	10.8	327	654
1,305.26	82.8	239	479
1,375.20	45.9	459	911
410.00	11.7	550	1065
53.37	1.8	548	901
4,969.74	225.0		
876.75	56.8	236	469
102.20	5.4	194	575
353.87	6.6	545	1630
40.35	0.9	492	1363
536.87	6.6	1606	2472
254.12	143.0	54	54
7,811.41	103.8	244	731
14,945.32	548.1	272	648

ited.

# EXHIBIT 2

**Testimony of Sidney Zabłudoff**  
**Thursday February 7, 2008**  
**House of Representatives Committee on Financial Services,**

Thank you for allowing me to present the facts relating to restitution of Holocaust era assets. My basic conclusion after examining the issue for more than 10 years is that extraordinary events require extraordinary resolutions. Clearly, the murder of two-thirds of continental European Jewry and the confiscation of nearly all Jewish assets by the Nazis and their collaborators was such an event. Despite such extraordinary circumstances only about 20 percent of the stolen property and other assets has been returned through 2007.<sup>1</sup>

Two bold actions could be taken to help rectify this sizable and unconscionable shortfall. They are the passage of HR 1746 and ensuring that the remaining unpaid stolen assets are used to assist needy Holocaust survivors.

In the first case, HR 1746 would help restore to Holocaust victims or their heirs the value of policies never paid by insurance companies or countries. Conservatively estimated this amounts to \$17 billion in today's prices. It is conservative because it uses the 30 year US government bond yield to move from the pre-Holocaust to the 2007 value, whereas insurance company portfolios earn a much higher yield because they contain stocks, corporate bonds and real estate. It also should be noted that my estimates of pre-Holocaust policy values and the post-war amounts repaid are consistent with the Pomeroy-Ferras Report published by ICHEIC. That Report makes no attempt to determine the current value of unpaid life insurance.

HR 1746's important first step is to ensure that the names of policyholders are published. ICHEIC started this process and some 500,000 names of policyholders were placed on its website (now available on the Yad Vashem website). Germany provided about 80 percent of these policyholder names. Some 360,000 resulted from an ICHEIC agreement with the German Foundation and 42,000 were developed via ICHEIC archival research. In the ICHEIC context the published German Foundation list was of little use, since it was made public only a few months before ICHEIC's filing deadline. Even so Germany has largely met its obligation to provide policyholder names under HR 1746.

For the other countries, the number of Jewish policyholders published is minimal. The most notable shortcomings are in Hungary, Poland and Rumania, all of which had large pre-Holocaust Jewish populations. Even in most west European countries the number of published names is extraordinarily small. To deal with this shortcoming, non-German archives need to be further examined and, most importantly, companies doing business outside of Germany should publish the names of their Holocaust era policyholders. HR 1746 has provisions to do both.



The proposed legislation also provides victims and their heirs a means to receive a fair value for policies taken out in the pre-Holocaust period. This recognizes that there is still a long way to go for life insurance companies to meet their Holocaust era obligations. Indeed, at most only about 11 percent of the fair value of outstanding policies was paid during the post-war and ICHEIC years. HR 1746 provides an opportunity to increase that percentage.

Again there are differences between Germany and other countries. Germany is the only entity that has pledged to continue to accept claims and pay them under ICHEIC guidelines. There are, however, very serious negative aspects of this seemingly benevolent action. The German insurance association (GDV) will not accept new claims that do not name companies. This is an enormous drawback. Nearly all the 400,000 German names of policyholders listed on the website do not indicate a company name, and ICHEIC experience demonstrates that two-thirds of the claimants did not know the company name. Thus, this German action is of little benefit to the claimant. Also, on the downside is the method Germany insisted upon to determine a policy's current value. It produces an amount that is only about 15 percent of similar valued policies paid under ICHEIC guidelines for all other west European countries.

The extraordinarily low German payments are caused mainly by the inclusion of the 1948 German monetary reform in their asset restitution systems. At that time, the Allied powers insisted on a monetary change in which 10 Reichsmarks were made equivalent to one Deutschmark. This was done in order to save the post-war German economy from the vast deluge of Reichsmarks the Nazi regime had dumped on the market to pay for the war effort. Indeed, without this Allied action, the German economic miracle that followed would not have taken place or would have been much delayed. The problem is that the Jews, who were not responsible for the Nazi war effort, along with many non-Jewish Germans, had to suffer in terms of reduced values of assets for the war-time economic policies of the Nazi regime. The non-Jewish Germans, however, benefited from the economic miracle while few Jews were left. If the German companies were paying at the rate every other west European country was paying, it would have paid ICHEIC claimants about \$500 million rather than the \$74 million it actually paid.

It should also be pointed out that the Foreign Claims Commission of the United States provides strong precedent to use the foreign-US exchange rate at the time of confiscation. It therefore excludes currency changes between the time of confiscation and claim payment, such as the 1948 German monetary reform. An example is Commission claim #CZ-2,832, which was decided during the year ending June 1961. It involved a Jewish family who owned property and financial assets (including life insurance policies) in Czech Sudetenland which was occupied by the Nazis in 1938. The assets were soon taken over by the Nazis. The decision calls for paying the claims at a "sum converted into United States

Dollars at the 1939 exchange rate of 2.5 Reichsmarks for 1 United States Dollar..."<sup>2</sup>

Among the other issues are:

--The east European valuation rate set by ICHEIC amounted to only about one-third of the conservative realistic current value. The companies argued that they were nationalized. They did, however, receive partial repayment from east European governments. More importantly, many insurance contracts indicated that payments to policyholders were backed by company funds outside the country in which the policy was written.

--Austria, which had by far the poorest post-war insurance restitution record in western Europe, allocated \$25 million in 2001 for repaying outstanding policies. The result is that it can reimburse claimants only about 15 percent of the ICHEIC valuation. ICHEIC discussed paying the difference but nothing was resolved.

--Holland never paid for small-valued burial policies, a form of life insurance. There were some 8.5 million such policies in a country with a pre-war population of 10 million. In current prices, the Jewish portion of these burial policies would be valued at some \$300 million.

--Switzerland has paid only 17 claims other than those from Germany and Austria for some \$90,000, according to ICHEIC statistics. Swiss company sales of life insurance elsewhere to Jews in Nazi occupied Europe amounted to some \$440 million in 2007 prices. In addition, Swiss companies played a major role in the European reinsurance market and thus had a portfolio of Jewish policies likely amounting to some \$2 billion in 2007 prices.

--Belgium paid one policy worth \$15,000 according to ICHEIC statistics even though it had some \$120 million (2007 prices) still unpaid in the case of Jewish life insurance.

--AXA France—an ICHEIC company--paid 131 policies worth some \$5 million according to ICHEIC statistics. Non-ICHEIC companies operating in France were supposed to pay claims via the Draï Commission. It is not known how much of the \$420 million (2007 prices) still owed by French companies to Jewish life insurance policyholders were paid by the Commission.

--Generali stated in court it had a total of 89,000 life insurance policies held by both Jews and non-Jews in 1936. But based on hard historical evidence, it had several hundred thousand and more likely several million. This enormous undercounting raises serious doubt about Generali's denying claims because it had a full list of policyholders (for more details see annex).

--The ICHEIC system rejected claims or paid too little because it failed to deal with the many unforeseen issues that naturally arise in any complex restitution process. For example, the only known original value of numerous policies was at the cash surrender value which is roughly 25 percent of the face or pay off value. ICHEIC refused to develop a reasonable methodology to get from the cash surrender value to the face value. Thus, the lower cash surrender value was used. In addition, ICHEIC never dealt with the vast number of non-life insurance policies although it had pledged to do so in its charter.

The chief reasons for such ICHEIC problems were inept governance and poor management. Governance became akin to secret diplomacy, in which those who ran ICHEIC relied heavily on dealing only with those who favored their views while making promises to others that were never fulfilled or too long delayed. ICHEIC management mainly ignored the numerous studies pinpointing the serious problem with the claims process. Judge Michael Mukasey succinctly summed up the problem when he described ICHEIC as "in a sense, the company store."<sup>3</sup>

But no matter what steps are taken to find claimants, many policies will remain unpaid. Those working on ICHEIC and other restitution efforts recognized this outcome from the start. This is because whole families were wiped out by the horrific events of the Holocaust, leaving only distant relatives with little knowledge of the policyholders, especially when dealing with events that occurred more than a half century ago. It was also understood that many records no longer exist. An example is the extensive search for life insurance records in Germany. Only about eight million or a quarter of the 31 million policies outstanding in the late 1930s was found.

Recognizing this fact, ICHEIC attempted at one time to calculate the overall value of policies—called the "top down approach." The companies would then pay the difference between this overall estimate and the amounts actually paid to claimants to a fund that would support needy survivors and other causes. This approach, however, was forgotten as ICHEIC proceeded, and only relatively small amounts were provided for such a humanitarian fund, mostly under the accord with Germany. Insurance companies failed completely to deal with this issue.

This brings me to my second point. Besides pressing individual claims, I would suggest an International Remembrance Fund to support needy Holocaust survivors who are in their autumn years. Currently there are approximately 600,000 Holocaust survivors worldwide and actuarial data indicate their number will diminish sharply during the next ten years. A review of the available studies indicates that there are numerous survivors who lack adequate income to meet their daily living expenses and health requirements. For example, one study of the United States indicates that the income of more than half the survivors falls within the poverty or near poverty bracket. My first rough approximation is that

between \$20 and \$40 billion will be required during the next ten years to sustain needy survivors.

Clearly, what is urgently required is an in-depth study to determine more precisely the likely financial requirements of needy survivors. This would take into consideration funds they are already receiving through various governments as well as private assistance. Simultaneously, we must reach a global accord to establish an International Remembrance Fund. This will require an innovative financial structure. But again extraordinary measures are essential in dealing with an extraordinary event such as the Holocaust.

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<sup>1</sup> For more details please see my articles from the Jewish Political Studies Review; *ICHEIC: Excellent Concept but Inept Implementation* (Spring 2005); *Restitution of Holocaust-Era Assets: Promises and Reality* (Spring 2007). Both articles can be found at the website JCPA.org. On the home page under JCPA projects click on "Jewish Political Studies" and look for the date and title of the article.

<sup>2</sup> Foreign Claims Settlement Commission of the United States: Report to Congress for the period ending June 30, 1961; page 168.

<sup>3</sup> *In re Assicurazioni Generali S.p.A. Holocaust Ins. Litigation*, 228 F. Supp. 2d 348, 356-57 (S.D.N.Y. 2002)

# EXHIBIT 3



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## The International Commission of Holocaust-Era Insurance Claims: Excellent Concept but Inept Implementation

**Sidney Zabludoff**

*The International Commission of Holocaust Era Insurance Claims (ICHEIC) failed to meet its promises to Holocaust victims and their heirs to compensate in speedy fashion policies that remained unpaid for some sixty years. When the claims process will have been completed only about 3 percent of the \$15 billion value of unpaid life insurance Holocaust-era claims will have been paid, few unpaid nonlife policies will have been considered, and the process will have taken at least eight years instead of the two or so originally anticipated. As of November 2004, ICHEIC plans to complete its operations by mid-2006.*

*The chief reasons for this failure are inept governance and poor management. Governance became akin to secret diplomacy, in which ICHEIC's chairman and his immediate subordinates relied heavily on dealing only with those who favored their views while making promises to others that were never fulfilled or too long delayed. ICHEIC management mainly ignored the numerous studies pinpointing the serious problems with the claims process.*

*To make matters worse, insurance companies did not honor their initial pledges, and political pressure on ICHEIC to initiate reforms faded. Most Jewish and U.S. regulators participating in ICHEIC came to believe that there was no alternative to ICHEIC, having been worn down by the inflexible stance of ICHEIC's leadership. Finally, the U.S. courts recently dismissed suits against insurance companies and ICHEIC.*

ICHEIC[1] was founded in August 1998 during a resurgence of interest in restoring assets lost during the Holocaust to survivors

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or their heirs. ICHEIC brought together insurance companies, U.S. state regulators, and Jewish organizations-including the State of Israel-in a nongovernmental organization governed by a Memorandum of Understanding (MOU) signed by all parties. ICHEIC's aim was to quickly reimburse unpaid insurance policies, both life and nonlife, from the Holocaust era in a manner devoid of the problems of ongoing restitution efforts such as the cumbersome nature of government agreements, high costs, and prolonged class action suits. Later agreements were signed with countries to cover all their policies, including Austria, Belgium, Germany, and the Netherlands.[2]

ICHEIC's governing board consists of twelve commissioners: three Jewish representatives from, respectively, American Gathering of Jewish Holocaust Survivors, Centre of Organizations of Holocaust Survivors in Israel, and the State of Israel; three U.S. state insurance regulators, namely, California, Florida, and New York; four insurance companies, namely, Allianz, AXA, Generali, and Zurich; and two European regulators. The four insurance companies plus Winterthur are ICHEIC members. Lawrence S. Eagleburger, the former U.S. secretary of state, was named ICHEIC chairman.[3]

## Estimating Unpaid Holocaust-Era Life Insurance

One of the first ICHEIC efforts was to estimate the total number and value of unpaid Holocaust-era life insurance policies held by Jews. With a few slight differences, the ICHEIC members looking at the issue were able to determine that the Jews of Nazi-occupied Europe-excluding the 1938 USSR boundaries-owned more than 800,000 life insurance policies worth nearly \$600 million at face value. There is sound historical data indicating that the total number of policies held by Jews and non-Jews for all countries in Nazi-occupied Europe was fifty-six million and their face value exceeded \$15 billion.[4] The Jewish portion can be reasonably determined by first applying the Jewish percentage of the population.[5] In addition, it is possible to roughly estimate the Jewish propensity to buy more insurance at higher average values than non-Jews, as a result of demographic differences. A much higher percentage of Jews than non-Jews lived in urban areas and were self-employed businessmen or worked in relatively well-paid professions.[6]

A further test indicates that the nearly \$600 million face value of life insurance is a conservative estimate. Immediately before the Holocaust era, this face value-due upon death or maturity-translated into asset value or cash surrender value of about \$150 million. This amounts to some 1-1.5 percent of total Jewish assets in Nazi-occupied Europe, while the 1938 Nazi survey of Jewish assets in Austria indicated the cash surrender value of life insurance at roughly 2 percent.[7]

Determining the current value of Holocaust-era policies was much more contentious. The Jewish side presented what it considered a conservative estimate of nearly \$19 billion (2003 prices). This was derived by first converting the face local currency value of all policies to dollars at the exchange rate for 31 December 1938 (an exception is Germany in which the purchasing power parity rate=29.7 U.S. cents=1 RM-is used

because the reichsmark was overvalued).[8] Then, the current dollar value of the policies is determined by assuming the pre-Holocaust amount was invested in a very conservative fashion-U.S. government thirty-year bonds.[9] The resulting \$19 billion is considered a reasonable benchmark of current value. In reality, this amount is likely larger because the portfolios of the insurance companies normally also contain investments that pay higher returns than U.S. government bonds, such as real estate and stocks.[10]

From this amount must be subtracted Holocaust-era insurance claims already paid. It is generously assumed that 10 percent of the policies in Eastern Europe were paid directly to policyholders, beneficiaries, or heirs between 1945 and 1997. The corresponding percentages for West European countries are 70 percent, except 20 percent for Austria and none for the numerous Netherlands burial policies. (In 1938 in the Netherlands with a population of 8.5 million, there were 10.2 million small-valued burial policies-"*volksverzekeringen*." Most likely some people had more than one policy since each one had a very small value.) In all, this means almost 40 percent of the policies were paid to the correct person through 1997. Without the Netherlands burial policies, the paid numbers come close to half.[11]

In value terms, the amount repaid is nearly \$4 billion in 2003 prices with interest. This number, however, is only about 20 percent of the \$19 billion outstanding. The large difference between the value and quantity of policies paid reflects the substantial German underpayments as a consequence of the 1948 monetary reform. At that time, the Allied powers insisted on a monetary change in which 10 reichsmark (RM) were made equivalent to one deutschmark, in order to save the postwar German economy from the vast deluge of RM the Nazi regime had dumped on the market to pay for the war effort. Indeed, without this Allied action, the German economic miracle that followed would not have taken place or would have been much delayed. The problem is that the Jews, who were not responsible for the Nazi war effort, along with many non-Jewish Germans, had to suffer in terms of reduced values of assets for the wartime economic policies of the Nazi regime. The non-Jewish Germans, however, benefited from the economic miracle.

Consequently, by 1997, a benchmark number of Holocaust policies not restored amounted to some 400,000-plus 150,000 Netherlands burial policies-life insurance policies, with a 2003 value of approximately \$15 billion.

ICHEIC insurance company members did not accept the methodology proposed by the Jewish participants for calculating the current value of unpaid policies for Germany and Eastern Europe. After prolonged negotiations, ICHEIC members came to an agreement that reduced the value of unpaid Jewish life insurance policies to about \$3 billion for 2003. This much lower amount results from two valuation compromises:

- *East European nationalization.* The insurance companies insisted they had no legal obligation to pay for policies nationalized by the communist governments of Eastern Europe, since these governments took over the policies. It was shown, however, that some companies received partial payment for their nationalized assets. In addition, many insurance contracts written in Eastern Europe



indicated that payments to policyholders were backed by company funds outside the country in which the policy was written. A compromise was worked out in which companies promised to pay claims on a "humanitarian" basis at an amount that is equivalent to about one-third of the reasonable benchmark current value.

- *The German monetary reform.* The German government insisted that ICHEIC calculate the current value of policies using the same formula by which claimants were paid in the postwar period—that is, including the effects of the 1948 Monetary Reform. Interest would be paid only from 1969 to the current period. The outcome was minimal payments averaging about \$1,000 per policy. After years of negotiations on this issue, in October 2002 the German Foundation for Remembrance, Responsibility, and Future (German Foundation) agreed to pay a minimum of \$3,000 per policy for those who perished during the Holocaust and \$4,000 for those who survived. But even with these improvements, German payments are still only about 15 percent of the reasonable benchmark system of determining current value. As a result, the average payment for German policies is less than half that of the already discounted East European policies.

By mid-September 2004, ICHEIC received nearly 80,000 relevant claims for life insurance containing about 135,000 policies (the average claim contains 1.7 policies). About 4,700 claimants received offers (some 8,000 policies) valued at \$74 million. Perhaps as many as 6,000 claims (10,000 policies) may eventually be paid that will amount to about \$110 million. Another \$16 million was paid to some 16,000 claimants (\$1,000 each) based on nondocumented hearsay information that a policy had existed. In all, the amount eventually paid could reach \$150 million or about 1 percent of the benchmark amount owed.[12]

The companies and government restitution schemes are also slated to pay roughly \$300 million for social welfare purposes to account for the many unpaid policies in which no claim was filed.[13] It has been known from the beginning that the vast majority of the claims would never be filed because sixty years have gone by and because of the almost total annihilation of many European Jewish communities. But even by including these humanitarian payments along with those paid directly to claimants—about \$450 million—ICHEIC efforts will recoup only about 3 percent of the total value of insurance policies still owed Holocaust victims. Even by ICHEIC's discounted valuation standards, which produce about \$3 billion (2003 value) in unpaid life policies, less than 15 percent will be paid.[14]

In all, while issues can always be raised about the methodology used to derive the above estimates, it is clear that any sound interpretation would still suggest that only a small fraction of the outstanding life insurance amount will be paid. Moreover, although ICHEIC's charter calls for resolving *all* Holocaust-era insurance policies, nothing serious has been done to investigate, publicize, handle, and set rules for the very large numbers of nonlife policies. This includes the substantial losses stemming from Kristallnacht during November 1938.

## Governance and Management

### ***The Successful First Period***

During ICHEIC's first eighteen months, extensive cooperation among the parties involved led to the development of the needed framework for the effort. The insurance companies pledged to meet the cost of ICHEIC's operation, expeditiously pay claims, and contribute to a humanitarian fund to account for the many Holocaust-era policies that all sides recognized would remain unpaid. The cooperative negotiations and compromises in the various committees created a system of rules allowing for relaxed standards of proof, a means to value unpaid policies at current prices, and a way to handle the companies' obligations for policies caught up in communist nationalization in Eastern Europe. This shared system was highlighted when the ICHEIC commissioners adopted "consensus-based decision-making" at the January 1999 ICHEIC meeting in Washington.[15]

All parties realized that after more than sixty years and the horrors of the Holocaust, few surviving policyholders or their heirs still had documents indicating the existence of a policy. With the acceptance of claims, this fact became abundantly clear. Only about a third of the claimants were able to name the company with which the policyholder was insured and only 5 percent could provide evidence-policy, premium notice, and so on-that a policy had existed. Thus, from the beginning it was recognized that considerable emphasis had to be placed on obtaining policy information from company records and government archives, and on publishing the names of the policyholders.

Another lesson quickly learned is that matching the names, dates of birth, and other information provided by claimants with similar data in company records and government archives is not a simple exercise. Differences often occur in the spelling of both the policyholders' surname and given name, reflecting the numerous languages being compared. To make matters worse, the names in the ICHEIC claimant database were changed to English while they were provided in Hebrew, Cyrillic, and other languages. The matching of names also became difficult because of the many common surnames. In the case of dates of birth, claimants often lacked the exact date for policyholders who were born mainly in the 19<sup>th</sup> century. Moreover, company records sometimes did not provide a date of birth. Even comparing residences had to be undertaken carefully. For example, the Austrian spelling of Vienna is Wien.

### ***Little or No Progress during the Second Period***

During the second period, from the February 2000 launch of the process to accept claims until October 2002, cooperation among participants faded, the insurance companies' financial pledges evaporated,[16] and the idea of determining a global settlement to cover the value of all unpaid insurance gave way to much smaller payments via agreements with individual companies. Meanwhile, the claims process got bogged down in uncertainty and errors. Several highly critical reviews of this process pinpointed the same problems and suggested recommendations. They included my (and Jolanta Goldstein's) in-depth/onsite appraisal of the management of the claims process in December 2000 and a review of decisions on individual claims in October 2001.[17] An investigative study was undertaken by a group headed by Lord

Archer of Sandwell in early 2002. In the public realm, the insurance commissioner of Washington State, Deborah Senn, issued a critical "Status Report on Holocaust Era Insurance Claims" (December 2000). Hearings before the U.S. House of Representatives Government Reform Committee in November 2001 enumerated the many ICHEIC problems.[18] But ICHEIC management paid little attention to these numerous reports and their recommendations or to the knowledge gained from experience.

As claims received climbed rapidly in 2000, a number of severe shortcomings became apparent in the system to process them. Such initial deficiencies are not abnormal, especially in cases like this one where the effort is groundbreaking. But ICHEIC management of claims processing, run by an office in London, failed to make the necessary and obvious corrections that were clearly pointed out in various reviews. To make matters worse, the ICHEIC London office provided little oversight of the contractor that had been hired to handle the processing of claims. This was a grave shortcoming since this contract involved the heart of ICHEIC's claim processing and such a groundbreaking operation needed constant tinkering. There should have been an ICHEIC person onsite to see that the operation was effective and efficient, to handle the daily issues that arise, and to suggest needed changes in operation or in the contract.

Moreover, no system was put in place during this period to ensure that offers or denials made by the insurance companies on documented claims followed ICHEIC rules, despite the fact that all critics mentioned above made that suggestion and Chairman Eagleburger promised to do so at the November 2001 congressional hearings. Documented claims are those involving information that a policy existed based on documents provided by the claimant or found in government archives or company files. In these cases, under ICHEIC rules the company must pay the claim unless it can show that the policy was previously paid. The numerous problems with documented claims pointed out by several reviews stemmed from a combination of company mistakes, ICHEIC processing errors, and the uncertainty of unresolved ICHEIC rules.

At a strategic level, there was also a management failure. No effort was made to present an overall view of how the various elements of the ICHEIC should proceed and be integrated in terms of priorities, timing, and costs. For example, it was necessary to move quickly to have companies publish names of Holocaust-era policyholders so that potential claims could be filed. But this effort never received the priority that was needed and by the 31 December 2003 deadline for filing claims the companies had published few policyholder names, except in the case of Germany. Also, while some progress was made in developing archival information, the effort fell considerably short of what was needed. For example, nearly all the archival names came from three countries-Austria, Czechoslovakia, and Germany-that accounted for less than 20 percent of the Jewish population of Nazi-occupied Europe, excluding the USSR.

A major stumbling block was the management of the London office. Its head and deputy chairman of ICHEIC, Geoffrey Fitchew, insisted that ICHEIC's role was simply to be a "post office" that sends claims to the companies for decision. Although ICHEIC's head office in Washington stated numerous times that

this was not the case, the London office failed to significantly alter its course of action. For example, even though Chairman Eagleburger promised to establish a system to verify documented claims at the November 2001 congressional hearings, the London office failed to do so and was not pressed by the chairman. When combined with other problems, such as the failure to address unforeseen issues, the result was an expanding number of unresolved system errors that persist to date.

Inept governance made the ICHEIC's situation worse. No effective means existed to set priorities or deal with issues that naturally arise with any operating system, especially one that is groundbreaking. This not only impaired the management of ICHEIC but also created a corrosive atmosphere among members and greatly undermined public confidence in the organization. Except for occasional decisions on some issues by the chairman, the effort essentially drifted in disarray. The effective committee structure of the earlier period was basically disbanded. It was replaced with the Executive Oversight Committee (EOC), which rarely met and was too large.

The ICHEIC commissioners never solidified as a group and never acted as a board of directors voting on key issues. Rather than a consensus-building process, the major decisions by the chairman were based on input from the head of the London operations and on his discussions with those ICHEIC members the chairman felt necessary. Such actions may have been effective in terms of secret diplomacy but caused dissension within ICHEIC and undermined public confidence.

Another major culprit was the long-drawn-out negotiations to reach an accord with the German Foundation to handle all insurance claims for Jews living in Germany during the Holocaust era. Many ICHEIC-stipulated rules were not accepted by the ICHEIC member companies, which waited to see the outcome of the German Agreement. Further adding to the woes was the diminished political pressure, which initially had raised the public awareness of restitution and led to the early efforts to resolve the issue. In all, through the second period, the ICHEIC chairman did little to correct the problems, the insurance companies' performance in handling claims was lackadaisical at best, most state regulators lost interest, and the Jewish participants essentially put up with the difficulties, seeing no alternative.

ICHEIC's public standing plummeted as complaints grew from claimants. There were numerous highly disparaging newspaper articles, including a 25 January 2002 piece in the *Financial Times* (p. 12) declaring the ICHEIC claims process as "rotten." After two investigative reports by its reporter Greg Garland, a *Baltimore Sun* editorial stated: "The scandalous record has abused once again the thousands of Holocaust survivors and heirs, many of whom have unsuccessfully sought for six decades the dignity that might come with proper compensation. ICHEIC is in need of immediate and deep reform."<sup>[19]</sup> In his book *Holocaust Justice*, Michael Bazylar provides details on the many problems faced by claimants and recounts much of the public dissent in a section called "The Claims Process Is a Failure."<sup>[20]</sup>

### ***Raised Expectations Frustrated by Little Progress in the Third Period***

With the signing of an agreement in October 2002 with the

German Foundation,[21] it was hoped that a new period would begin and the process would be reinvigorated. Despite all the delays in reaching the agreement and numerous difficult compromises, there were clear benefits. All German claims would be considered rather than just those from the participating ICHEIC company members, a promise was made to publish a list of Jewish policyholders in Germany, and ICHEIC received the necessary funds to sustain its operations.[22] This additional money made up for the amount the participating companies had originally pledged and then renegeed on.

These hopeful expectations were strengthened when at about the same time Mara Rudman, a staff member of a U.S. consulting company, was hired in July 2002 to act as ICHEIC chief operating officer (COO) to tackle its many problems. But through October 2003, progress was minimal in terms of most key claims-processing issues. The one important step forward was putting in place, after more than three years of promises, a scheme to verify that claims processed by the insurance companies follow ICHEIC rules and that there are no system errors. The effectiveness of the verification system, however, still remains unclear as errors and questions persist. A major problem is that no system was put in place to clarify previous rules and produce new rules to deal with unforeseen issues.

During the same period, ICHEIC published on its website some 350,000 possible Jewish life insurance policyholders in Germany from the Holocaust era. This effective effort was not handled by the COO but by committees made up of representatives of the ICHEIC participants, its staff, and the German Foundation. Their cooperation was reminiscent of the first ICHEIC period, when the committee system worked effectively.

But the lack of cooperative overall governance persisted. The ICHEIC commissioners (Board of Directors) who represent all parties never met to provide basic rules, nor did specialized committees to clarify rules. Those decisions that were made were done in a haphazard fashion by Chairman Eagleburger or the COO with minimal consultation with ICHEIC members. In most cases, any discussion was held only with those who agreed with them. Indeed, a veil of secrecy as to what steps were or were not being taken descended over the ICHEIC effort.

Below are a few examples of dubious decisions resulting from inept governance:

- *The interest rate for 2003 and 2004.* At the beginning of each year the interest rate paid on offers is set for that year. For dollar payments, it is based on the thirty-year U.S. Government bond yield on the first business day of the year, usually January 2. In the case of Euro payments, it is the average of long-term government bond yields for individual countries for the same date. ICHEIC London announced that both the U.S. and European rate for 2003 was 4.75 percent. The Jewish participants immediately notified ICHEIC that while the Euro rate was correct, the dollar rate should be 5 percent. The response was that while it agreed the U.S. rate was not correct, the German Foundation had already been notified and had accepted the 2003 rates. Thus, the rate could not be corrected and would stand. It did. In 2004, the chairman raised the rate to 5 percent. But the U.S. bond yield was 5.28 percent,

meaning that claimants whose offers are calculated in dollars-that is, most claims-would again be shortchanged. Again ICHEIC was notified immediately by the Jewish side of the error and once more no change was made.

- *Definition of a subsidiary.* For several years the Jewish participants raised without response the issue as to what constituted a subsidiary. The chief of London operations said he had told the Claims Committee in the early ICHEIC years that a subsidiary was when the parent company owned 51 percent or more of its subsidiary. Although he had no documented proof on which to base his decision and no committee member recalled his statement, he insisted that percentage be used. Many memos were sent to ICHEIC on the issue, indicating the common international norm was 25 percent and indeed that this share was used in the German, Austrian, and Swiss agreements. Finally, Chairman Eagleburger made a decision on 16 June 2003 that made no sense. He decided that several companies in which the parent ownership was between 25 and 50 percent would be considered as subsidiaries. But the subsidiaries on the chairman's list sold mainly nonlife policies and ICHEIC never developed rules to pay nonlife claims. At the same time, he excluded subsidiaries in the 25-50 percent range that sold life insurance. This bizarre decision meant that some two hundred claims probably will not be considered for payment under the normal valuation rules.

- *ICHEIC valuation and other rules.* Based mainly on actual claimant cases, the Jewish side constantly provided a list of uncertainties in ICHEIC rules that naturally arise in any system, especially one that is so groundbreaking. As with other problems, the request to deal with or clarify these issues was delayed for years. In 2003 the new management team at ICHEIC simply denied that there were any outstanding issues.

To make matters worse, the appeals process for company offers and denials in which the claimant names a company has been a costly endeavor because the appeals panels have had to adjudicate the many rules ICHEIC has failed to resolve or clarify. Moreover, there are three separate appeals panels[23] that decide issues on different standards and there is no retroactivity to ensure that all claims involving the same issue are handled in the same manner.

How the many ICHEIC shortcomings were creating problems for individual claimants in his state was described in a report by the Washington State insurance commissioner, Mike Kreidler. He mentioned the lack of enforcement of ICHEIC rules, the need to clarify the valuation system, and recent errors with the ICHEIC claims verification system. Moreover, the report found that "[a] significant number of Washington claims submitted to ICHEIC appear to be missing or lost." The commissioner recommended that the regulators audit ICHEIC's claim process.[24]

As *The Economist* magazine said in a 2 August 2003 editorial, "If ICHEIC fails to improve its performance and quickly, by demonstrating greater independence, acting more openly and paying claims faster, then those who have not yet filed a claim

may choose to go directly to the law. That would hardly help insurers or claimants to resolve this issue speedily." It must be added the same is true of those who have already filed claims.

#### ***The Fourth Stage: Late Attempts to Respond to Longstanding Problems***

To resolve the governance crises, the Jewish group met immediately before the October 2003 ICHEIC meeting and decided on corrective actions that should be undertaken immediately. This included the reestablishment of the committee systems, the appointment of an ombudsman to handle the numerous complaints from claimants, and the development of a program to accelerate the handling of claims by the insurance companies. At the ICHEIC meeting, it was decided to discuss and move ahead with these steps.

In all cases, through mid-April 2004, ICHEIC did almost nothing. The pace at which companies handled claims did not change significantly and the ombudsman effort never materialized. After a six-month delay, the chairman finally initiated an Operating Committee to discuss longstanding issues, but appointed mainly only those who would not challenge his views. Through mid-September 2004, the Operations Committee rarely met and only a few of the many outstanding issues were addressed. Thus, little was done to make up for the protracted time and money poorly spent as well as the disregard of claimant interests that resulted from years of faulty management and governance. At this point the two parties—the Jewish group and the state regulators—that could make a difference seem to have been worn down by years of inaction, discord, and a turnover of participants that undercut institutional memory.

ICHEIC management meanwhile increasingly stifled criticism by relying strictly on those who do not raise concerns and ostracizing those with legitimate questions. Most distressing was the sudden removal from office of Dale Franklin, the chief of staff of the Washington office, who was the only one within ICHEIC management who diligently worked to overcome the longstanding problems.

The ICHEIC meeting in April 2004 reiterated its hopes to close down ICHEIC by year's end. This goal was not achieved. At the end of April 2004, and after four years of processing claims, only about 38 percent of claims have been completed by the companies.[25] Additionally, the important tasks of claims verification and appeals must take place after the company decisions, extending the time frame even further. Finally, the matching process was lagging and with minor exceptions the companies belonging to ICHEIC—outside of Germany—have not made available their list of names of Holocaust-era policyholders even for use in the internal matching process. No effort has been undertaken to handle nonlife-insurance policies as pledged in ICHEIC's initial charter. It seems that the policy of the ICHEIC chairman and the COO is to close the effort as soon as possible and declare victory.

California's insurance commissioner, John Garamendi, who is also an ICHEIC commissioner, in an 8 June 2004 letter to ICHEIC Chairman Eagleburger tried to persuade him to take appropriate action to resolve ICHEIC's problems. He stated, "Although ICHEIC faces serious problems, it continues to ignore

those of its commissioners who dare to suggest improvements, make constructive criticism, ask incisive questions or call for better management.... ICHEIC management is sloppy. The current claims verification system is woefully inadequate. The Claims database still needs work. ICHEIC's refusal to update the valuation guidelines is amateurish."

Eagleburger's 11 June response was a rambling public relations defense that showed the chairman and his staff did not even know the facts. For example, in his response to Commissioner Garamendi's suggestion that ICHEIC's Valuation Committee—which consists of all ICHEIC parties—should meet to deal with inconsistencies in interpreting the rules and unforeseen issues, Chairman Eagleburger stated that these rules had been finalized on 16 October 2002, when the agreement with the German Foundation was signed. He went on to say, "These are, in effect contractual obligations. As such they cannot unilaterally be set aside. That may be the way you do business in California but it would be my definition of truly amateurish." Chairman Eagleburger obviously did not read or does not understand the agreement he signed with the German Foundation. That agreement stated: "The parties shall endeavor in good faith to resolve any dispute in relation to the interpretation or application of this Agreement amicably by negotiations between the parties."<sup>[26]</sup> These words were purposely inserted into the agreement in order to finalize it, being cognizant that all issues had not been resolved and others could arise in interpreting the agreement.

At the same time in response to Commissioner Garamendi's criticism, ICHEIC's COO made the most hypocritical remark. She said "...that all sides greatly underestimated the complexity and timeframe of settling claims and that the commission suffered from some poor communications."<sup>[27]</sup> This after years of criticism and having been told about the issues ever since she joined ICHEIC two years earlier.

At the ICHEIC meeting on 16 November 2004, a key issue was the completion of the claims process. It was now hoped that this task would be completed by the end of 2005 with appeals and audits finished by mid-2006.<sup>[28]</sup> This compares with the initial planned ICHEIC closure date of late 2002 and later postponed to the end of 2004. Even the completion date set at the November 2004 meeting will be difficult to accomplish considering that only 42 percent of the claims had been processed by the companies as of 20 October 2004.<sup>[29]</sup>

Achieving the completion goal has been made even more questionable by the termination "with cause" of the Israeli-based Generali Trust Fund (GTF) that had been handling the processing of Generali claims, which account for most ICHEIC claims.<sup>[30]</sup> At the 16 November 2004 meeting, it still remained unclear whether the processing of these claims would be taken over by Generali headquarters in Italy or by a new organization in Israel.

Although Chairman Eagleburger in his termination letter tried to place the blame on GTF, this was clearly another ICHEIC management malfunction. Since signing a contract with GTF in April 2001, ICHEIC has failed to provide adequate oversight despite the fact that it had been told from the start that GTF's manpower was inadequate. Moreover, U.S. state regulators constantly pointed out the many GTF processing errors and the



numerous problems created by GTF's insistence that it follow Israeli law rather than ICHEIC rules in regard to documents required of claimants, such as those that link heirs to policyholders.

## Conclusions

ICHEIC initially was able to develop the rudiments of a credible system to meet the unpaid life insurance claims from the Holocaust era. But the implementation of this effort was seriously flawed by inept management and governance. Instead of the envisaged two-year endeavor aimed at avoiding prolonged lawsuits and government bureaucracy, the process will take at least nine years and be constantly plagued by justified complaints. As a result, ICHEIC's reputation has sagged badly and the idea of resolving issues through an agreement among the parties to a dispute has suffered a major setback. Upon completing its tasks, ICHEIC will have paid claimants and provided humanitarian funds an amount equivalent to only about 3 percent of the 1998-unpaid amount of life insurance policies outstanding from the Holocaust era. This percentage does not even come close to achieving "rough justice." ICHEIC also has done almost nothing to handle nonlife-insurance claims.

At the heart of the governance-management problem is a common human flaw. Those leaders with a political bent often are successful in fostering good ideas by drawing people together and effectively balancing conflicting interests. But they lack the skills, patience, and interest to deal with day-to-day governance and management. This is ICHEIC's story.

At the same time, the lack of sustained political pressure undercut the motivation for ICHEIC to correct its problems. Press coverage has been minimal in recent years as public interest in the issue of Holocaust restitution declined significantly from its peak in the late 1990s. Most Jewish and state regulators participating in ICHEIC were worn down by the many years of ICHEIC's inflexible stance and did not push for remedial actions. In recent times, the court system provided no alternative counterforce.[31] As a result ICHEIC's chairman and managers could effectively ignore any criticism of the process, while most participants succumbed to the idea that there was no alternative to ICHEIC and its serious shortcomings.

A major lesson learned is that such private endeavors such as ICHEIC must face and fix problems early on. The longer they fester, the more difficult and costly they are to resolve.

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## Notes

[1] Note: Much of the discussion of ICHEIC is based on material in possession of the author or on his conversations with ICHEIC participants.

[2] Dutch Insurance Association (May 2000), German Foundation, "Remembrance, Responsibility and the Future" (October 2002), La Commission pour le Dédommagement des Membres de la

Communauté Juive de Belgique (July 2003), and The General Settlement Fund of the Republic of Austria (December 2003). The Austrian agreement is on hold pending settlement of court cases.

[3] This list from the September 1999 ICHEIC meeting is somewhat different from the list of commissioners stated in the ICHEIC Memorandum of Understanding (MOU). In addition, the MOU lists observers from the World Jewish Restitution Organization, Claims Conference, EC Commission, and U.S. State Department.

[4] Basic life insurance data (sums insured and number of policies) by country from: *Assekuranz-Jahrbuch*, Band 56 to 62 (1937-1942), Verlag Fur Recht Und Gesellschaft AG, Basel, Leipzig, Vienna. Supplemented with: *Life Insurance in Belgium*, Leigh W. Hunt, U.S. commercial attaché, Brussels, April 13, 1945 (see U.S. National Archives RG 84, box 68).

[5] Country population data from: *International Historical Statistics: Europe 1750-1988*. Jewish population from: Israel Guttman, *Encyclopedia of the Holocaust* (New York: Macmillan, 1995), Appendix, p. 1799. For Germany, the Nazi Nuremberg law is used (persons with at least one grandparent of Jewish descent), provided in presentation by Allianz to ICHEIC (2000) and confirmed by telephone by Israel Guttman.

[6] Jewish propensity to buy insurance in value terms: Western Europe, three times more; Eastern Europe, four times more. Data from numerous reports presented to ICHEIC by Jewish representatives and discussed in *Report to Chairman Eagleburger on the Estimation of Unpaid Holocaust Era Insurance Claims in Germany, Western and Eastern Europe, December 12, 1999* (internal report). ICHEIC ultimately accepted a Jewish propensity of three, when calculating the valuation of valid claims that had no record of face value (see Valuation Guidelines, paragraph 7.1, on ICHEIC website).

[7] Life insurance share of total Jewish assets: Sidney Zabludoff, *And It All But Disappeared: The Nazi Seizure of Jewish Assets*, Institute of World Jewish Congress, Policy Forum 13, 1998.

[8] Foreign exchange rates on 31 December 1938 published by the Board of Governors, Federal Reserve System: Randall Hinshaw, *Purchasing Parity Rates in World Income (1929-1937)*, Division of Research and Statistics, Board of Governors, Federal Reserve System, June 1945. The dollar and the Swiss franc are the only two currencies that provide a stable series from the Holocaust era to the present. Consistent time series for other European currencies were disrupted by World War II, the high postwar inflation, and the communist takeovers in Eastern Europe.

[9] U.S. Government thirty-year bond yield: Annual Reports of the Board of Governors, Federal Reserve System.

[10] Full methodology on the current value calculation is presented in Appendix A, table, "Jewish Life Insurance Holocaust Era."

[11] The estimated country percentages (by value) of pre-Holocaust-era life insurance not paid to policyholders or beneficiaries from 1945 to 1997 are considered at the high end of the plausible range in that almost no policies were repaid in

Eastern Europe and few in Austria. In Western Europe, although a majority of policies likely were repaid, many were done so at the cash surrender value of the immediate pre-Holocaust period. On average this amounts to approximately 25 percent of the face value. The German number provided ICHEIC by the German insurance association (BAV) shows 32.48 percent of policies were "not subjected to examination by the BEG [Bundesentschädigungsgestetz] or other restitution authority." But this includes numerous policies that were paid policyholders who had to turn over the funds to the Nazi regime.

[12] Offers to claimants via ICHEIC are shown on the ICHEIC website (ICHEIC.org) and normally updated every two weeks. The percentages presented in this paragraph are rounded upward to account for the fact that the values of offers made before 2003 are not in 2003 prices but at the value for the years 2000-2002 when the offers were made. This factor is partly compensated for claims paid in 2004. Humanitarian payments are essentially equal to the amounts provided by the companies and country organizations minus claims payments and ICHEIC's operating costs. Total amounts are about \$500 million, which includes 279 million euros (\$316 million at 2003 exchange rates) from the German Foundation, \$100 million from Generali, \$25 million combined from AXA, Winterthur, and Zurich, and the remainder (roughly estimated at \$59 million) from initial company contributions, interest, and contributions by the Austrian, Swiss, and Dutch country organizations. From that is subtracted \$125 million for claims payments and \$100 million for ICHEIC administration, leaving about \$275 million for humanitarian purposes. ICHEIC in 2003 committed \$132 million over the next ten years (later reduced to nine) for social welfare programs for Holocaust survivors. See ICHEIC Quarterly Report for May 2004 (on ICHEIC website).

[13] See Appendix B.

[14] ICHEIC Committees: Public Access Working Group, Audit Working Group, Claims Working Group, Valuation Sub-Group, Outreach Support Group, and the Historical Working Group. The various agreements were put together in a Chairman's Memorandum of 6 August 1999.

[15] Budget reports at the end of 2001 indicated that ICHEIC lacked the funds to complete their operations as then planned by the end of 2004. The companies at that time were not pledging the necessary funds to fill the gap.

[16] A major finding of the December 2000 study was the need for distinguishing documented and other claims and a verification system for the documented claims. The October report was a sample of seventy-eight documented claims and showed that, "Of the 32 offers examined only 17 were in accordance with ICHEIC principles. Of the 46 denials that were examined only 5 were in accordance with ICHEIC principles."

[17] *Baltimore Sun* editorial, 14 July 2002.

[18] See:  
<http://www.democrats.reform.house.gov/investigation.asp?issue=Holocaust-Era+insurance+restitution>  
 Era+insurance+restitution.

[19] Michael J. Bazyler, *Holocaust Justice: The Battle for*

*Restitution in America's Courts* (New York: New York University Press, 2003), p. 140.

[20] Agreement Concerning Holocaust Era Claims between ICHEIC and the German Foundation for Remembrance, Responsibility, and Future, October 2002.

[21] Ibid. Section 6 provided \$60 million (or more if necessary) for ICHEIC administration between 2002 and completion.

[22] Appeals Tribunal (AXA, Winterthur, and Zurich and those of Allianz before 16 October 2002); Appeals Panel (German Fund); Generali Trust Fund Appeals (Generali).

[23] "The View from Washington State: Work of ICHEIC, the 'Value' of Memory 'Discounted,' A Status Report," July 2002-October 2004, Mike Kreidler, State insurance commissioner, October 2004.

[24] Footnote 19, section 11(3).

[25] See note 12.

[26] Tom Tugend, "In Broadside, Official Says ICHEIC Is Bungling Shoah Insurance Claims," JTA article, 15 June 2004.

[27] The U.S. Supreme Court (21 June 2003) ruled in a 5-4 decision in *American Insurance Association v. Garamendi* that California's law calling for the publication of Holocaust-era policyholder names "interfered with the President's conduct of the nation's foreign policy and was therefore preempted." Opinion of the Court, pp. 28-29. A class action suit against ICHEIC in the California state courts (Case #BC303004) was dismissed for lack of jurisdiction (August 2004). U.S. District Judge Michael Mukasey dismissed some twenty class action and individual suits against Generali on the basis of the U.S. Supreme Court's June decision (12 October 2004).

[28] See <http://www.icheic.org/>, "Presentation: Meeting of ICHEIC, Washington DC, 16 November 2004."

[29] See note 12.

[30] Letter from Chairman Eagleburger to ICHEIC Commissioners, Alternatives and Observers, 1 November 2004.

[31] See note 27.

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# EXHIBIT 4



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NEW YORK • WASHINGTON, D.C. • SAN FRANCISCO • ATLANTA

City of New York, State of New York, County of New York

I, Gregg Schiavoni, hereby certify that the following is, to the best of my knowledge and belief, a true and accurate translation of the attached document entitled "Victoria of Berlin" from Greek (8 pages) into English (9 pages).

Signature

Sworn to before me this

23<sup>rd</sup> day of June, 1997.

Signature, Notary Public

MICHELLE J PERRONE  
Notary Public, State of New York  
No. 01PE807088  
Qualified in Kings County  
Commission Expires Dec 9, 1998

Stamp, Notary Public

Emblem  
TELEPHONE 43-27

**VICTORIA OF BERLIN  
GENERAL INSURANCE LTD. COMPANY  
FOUNDED IN 1853  
CAPITAL 11,000,000 ENGLISH POUNDS  
HEADQUARTERS: BERLIN SW, LINDEN ST. 20-25  
CABLE ADDRESS: VICTORYBANK- BERLIN  
AGENT IN GREECE: S. MORDOX - THESSALONIKI**

**GENERAL AGENCY P. & D. TELFEIAN, TSIMISKI STREET - THESSALONIKI**

[text on left side of document]

CABLE ADDRESS: TELEFEIAN [illegible] ASFALEIA INSURANCE [illegible]

Thessaloniki, July 11, 1927

Mister

Georgion Tassionin

KATRANITSAN

Sir

We hereby inform you that our Agent Mr. Lazaros Stefanou has sent us your insurance proposal in the sum of 30,000 Drs. along with the pertinent documents and we are in the process of issuing and sending you the relevant insurance policy in a timely fashion.

Enclosed also find the financial statement of our Company which includes the year it was founded in addition to information outlining the tremendous work it does and the large amount of active capital it holds.

In this respect we inform you that the biggest advantage of our Company is the inclusion of war risk in the categories of indemnable cases, something that no other company in Greece covers.

[stamp]

Respectfully,  
VICTORIA OF BERLIN  
A GENERAL INSURANCE LTD. COMPANY  
GENERAL AGENCY.



**VICTORIA OF BERLIN  
GENERAL INSURANCE LTD. COMPANY  
DIRECTORATE FOR GREECE**

**FINANCIAL STATEMENT FOR YEAR 1925  
VICTORIA OF BERLIN  
FOUNDED IN 1853**

The old Life Insurance Company Victoria of Berlin, founded in 1853 in Berlin, is the greatest of all the European Life Insurance Companies in terms of reserve funds, dissemination, distributed profits, etc.

During the financial year 1925 the capital insured with a Life Insurance policy came to:

**271.5 MILLION GOLD MARKS, THAT IS, 13,575,000 ENGLISH POUNDS.**

The Company's portfolio includes the sum of

**520 MILLION GOLD MARKS, THAT IS 26,000,000 ENGLISH POUNDS.**

Hence Victoria of Berlin was the only Insurance Company that was able after the war to present the largest distribution, creating a portfolio of half a billion, that is:

**26,000,000 ENGLISH POUNDS.**

During the year 1925 the net increase came to:

**192.2 GOLD MARKS, THAT IS 9,600,000 ENGLISH POUNDS,**

a sum larger than any previous year.

At the end of the year 1925 the assets of Victoria of Berlin came to:

**220.7 GOLD MARKS, THAT IS 11,035,000 ENGLISH POUNDS.**

For liability, on the other hand, the following sum is marked as reserve capital:

**207.9 GOLD MARKS, THAT IS 10,395,000 ENGLISH POUNDS.**

**TYPOIS BROTHERS [illegible]**

The terms of "Victoria of Berlin" are simpler and more beneficial for the insured party than those of any other company.

From the first day that the insurance becomes effective, the insured person has the right to change professions and residence and he may go to any other part of the world. Such changes will not affect the validity of the policy in the least, which will continue to be in effect as before.

In addition, the policies of "Victoria of Berlin" remain effective for the whole insured capital without additional premiums even if the insured person participates in war operations or in the prosecution of criminal elements in peacetime.

If a policy has remained effective for three years it cannot be canceled due to interruption in the payment of premiums; instead, it is converted *ipso jure* into a policy free from further premium payments.

Any policy that was terminated due to lack of premium payments, or a policy that was converted into a premium-free policy, can be reinstated within the first six months of the termination if the overdue premiums and a small interest on them is paid, without the insured person having to take a new medical examination. Six months after termination the terminated policy or the premium-free policy can also be reinstated if the insured person pays the overdue premiums and interest and undergoes a new medical examination. This option is valid for the first five years after termination.

A policy that has been effective for three years may be redeemed by the company. The company also makes loans available to the insured persons.

"Victoria of Berlin" is the strongest life insurance company in Europe, has the largest amount of assets, and the most extensive portfolio of transactions.

The Company owes this privileged position to the unlimited trust the public all over the world places in it.

A life insurance policy purchased at "Victoria of Berlin" Ltd., whose current assets are its greatest security, is the best provision for all of life's phases and unexpected turns.

The prices of "Victoria of Berlin" are the best and the most economical of all.

The sum of the premiums and interest received was:

**36,711,054.84 GOLD MARKS, THAT IS 1,835,000 ENGLISH POUNDS.**

The total net profit of the company in the year 1925 was:

**4,893,964.26 GOLD MARKS, THAT IS 245,000 ENGLISH POUNDS.**

In the Life Insurance branch, the annual premiums of those with shares in the profits were:

**18,820,842 GOLD MARKS, THAT IS 941,040 ENGLISH POUNDS.**

From the profits, the following sum was distributed to the insured persons:

**4,051,545.45 GOLD MARKS THAT IS 202,500 ENGLISH POUNDS.**

The percentage of the profit-sharing was decided, as in the decades before the war and during the last year, as 3% of the total sum of the paid premiums of those who had a right to the profit sharing.

The proportional rate of the total sum of the share profits granted to the insured persons on the yearly premiums is as follows:

For those whose right in the shares begins in:

1924	9%		1908	60%	
1923	12%		1907	63%	expiring during
1922	15%		1906	66%	the course of
1921	18%		1905	69%	the insuring
1920	21%		1904	72%	year 1928
1919	24%	expiring during	1903	76%	
1918	27%	the course of	1902	78%	
1917	30%	the insuring *)	1901	81%	
1916	33%	year 1928	1900	81%	
1915	36%		1899	84%	expiring during
1914	42%		1898	87%	the course of
1913	45%		1897	90%	the insuring
1912	48%		1896	93%	year 1927
1911	51%		1895	96%	
1910	54%		1894	99%	
1909	57%		1893	102%	

**VICTORIA OF BERLIN  
FINANCIAL STATEMENT FOR YEAR 1925**

[left side of page]

<b>ASSETS</b>	<b>GOLD MARKS</b>
Company properties	14,392,928
Mortgages	14,068,450
Titles and values	10,822,773
Loans issued to insured persons	5,473,047
Various debtors, to be received by banks	21,499,092
Overdue premiums receivable	7,126,740
Deferred premiums receivable in 1926	10,399,597
Interest and rents receivable	1,748,540
Cash fund	32,138
Settlement accounts	126,138,800
Miscellaneous	8,956,645
	-----
	<b>220,659,050</b>

[right side of page]

<b>LIABILITY</b>	<b>GOLD MARKS</b>
Investment in associated capital	3,000,000
Reserve Funds according to Company Charter	1,200,000
Reserve premiums and transfers	53,177,888
Reserve Funds for risks	1,581,343
Reserve funds on profits	3,542,291
Various reserves	16,270,535
Various creditors	4,474,058
Settlement accounts	126,138,800
Miscellaneous	6,380,171
Profits	4,893,964

[stamp in French]  
VICTORIA OF BERLIN  
GENERAL INSURANCE LTD. COMPANY  
GENERAL AGENCY  
P. & D. TELFEIAN  
TSIMISKI STREET - UZIEL PALACE NO. 1  
[illegible]

Number 5692

**VICTORIA OF BERLIN  
GENERAL INSURANCE LTD. COMPANY  
COMPANY HEADQUARTERS: BERLIN S.W. 69 - LINDENSTRASSE 20-25  
FOUNDED IN 1853**

**Capital and reserves on 12-21-25: 220,700,000 gold marks,  
that is 11,035,000 English pounds**

I received the sum of 30,000 Drs. from Mr. Georgios Chr. Tassionis to cover the Company's transmittal expenses for his requested insurance policy in accordance with the schedule of prices IV BVH duration 15 years.

The rights of the person proposing this present insurance commence when the person receives and signs the relevant policy and pays the required premium. The amount shown to have been paid by this receipt is a prepaid deposit by the applicant and in no way whatsoever binds the company. The above amount is only a prepaid pledge serving to secure the application and to cover the relevant expenses of the insurance company. It will only be returned to the applicant if the company rejects the application. If the company issues the insurance policy the applicant must immediately pay the relevant premium and the company's expenses minus the amount of the deposit. The applicant must return the above receipt for proof of payment of the deposit. If the applicant for whatever reason should refuse to accept the insurance policy and pay the premium, the deposit shall be forfeited by the company to cover the expenses incurred in relation to the issuance of the insurance policy, and the company reserves the right to claim its rights through all legal means as a result of the agreement made with the applicant and the assumption of certain responsibilities by him in virtue of his signing the relevant insurance application.

Pyrgos, Katranitsa [illegible] 1927.

[stamp: illegible]

# EXHIBIT 5

A-213

From The Journal of Commerce

--New York-September 13, 1938

### TWO ITALIAN COMPANIES HAVE NEW PRESIDENTS

Suvich Heads Adriatica-Volpi is New  
Head of Generali

ROME, Sept. 12 (UP) - Fulvio Suvich, Italian Ambassador to Washington, has been appointed president of the Adriatica Insurance Co. of Trieste. Suvich's retirement from his diplomatic career was understood to have been prompted by his feeling that American sentiment is growing against the totalitarian States, making him feel uncomfortable in Washington.

The Italian Government is understood to have decided on removal of Italian Jews from the chairmanships of the most important insurance companies, at present in their hands. An official communique said Arnaldo Frigessi, Jewish president of the Adriatica company, had resigned and the directorate had appointed Suvich to succeed him. Adriatica is one of Italy's strongest insurance companies.

The communique announced that Edgardo Morpurgo, president of the equally powerful Assicurazioni Generali of Trieste had resigned and Count Giuseppe Volpi, former Finance Minister, appointed his successor. Morpurgo also is an influential Italian Jew.



# EXHIBIT 6

September 16, 1938.

Hartwell Cabell, Esq.,  
Attorney at Law,  
Cabell & Cabell,  
150 Broadway,  
New York, N. Y.

My dear Mr. Cabell:

Your letter received. On Tuesday, September 13th, on page 2, column 2 of the Journal of Commerce of New York whose information is usually reliable, there was a dispatch from Rome that Fulvio Suvich, former Italian Ambassador to Washington, had been appointed President of the Adriatica Insurance Company of Trieste, and the inference was very definite that it was to replace Mr. Arnoldo Frigessi, the latter being a Jew.

The same dispatch announced that Count Giuseppe Volpi had been appointed President of the Assicurazioni Generali of Trieste to take the place of Edgardo Morpurgo, the latter being a Jew.

This dispatch following so closely on the recent announcement of policy of the Italian Government and knowing the connection between the General Insurance Company, Ltd. of Trieste and Venice and the Assicurazioni Generali, I felt it my duty to inform Mr. Raleigh by telephone at Philadelphia, as Dr. Hornik was absent and Mr. Raleigh is the next in authority, that if this method of doing business infiltrated into the conduct of the affairs of the General Insurance Company, Ltd. of Trieste and Venice, I would consider it contrary to the public policy and tradition of the State of Connecticut and would consider it reason for a citation for the revocation of the Company's license.

I assume that Mr. Raleigh, and if not he, then you, will direct the attention of the proper parties here and in Italy to my attitude in the premises.

Very sincerely yours,

Commissioner.

JCB-M

Copy

Eartwell Cabell  
William D. Cabell

CABELL & CABELL  
150 Broadway  
New York

September 15, 1938

Hon. John C. Blackall,  
Commissioner of Insurance,  
Hartford, Connecticut.

My dear Mr. Blackall:

Re: General Insurance Company, Ltd  
of Trieste and Venice.

In the absence of Dr. Hornik, who is the Vice President and General Attorney of the above named Company, Mr. Raleigh, Assistant United States Manager of the Company, spoke to me on Tuesday of the telephonic conversation that you had with him on that day. As I was not quite sure what the point was that you had in mind I called your office by long distance telephone and learned that you would be out of the city until Friday of this week.

The only information that we have up to today as to the resignation of Edgardo Morpurgo from the Chairmanship of the Company and his being succeeded by Giuseppe Volpi di Misurata is that which we have derived from the daily papers, since sufficient time has not elapsed for communication by mail. I beg to advise however, that the Company was in receipt today of two cablegrams from Trieste as follows:

"AFTER 55 YEARS SPENT IN THE SERVICE OF THE ASSICURAZIONI GENERALI I AM WITHDRAWING FROM THE CHAIRMANSHIP OF THE COMPANY STOP TO THE WHOLE STAFF NEAR AND FAR I AM ADDRESSING MY HEARTFELT GREETINGS TOGETHER WITH MY BEST THANKS FOR THEIR UNSWERVING INTELLIGENT AND LOYAL COOPERATION FOR UNDER MY LEADERSHIP THEY ALWAYS AND EVERYWHERE HAVE EXERTED THEIR BEST EFFORTS TOWARDS THE GREATNESS OF THE COMPANY STOP I AM HAPPY TO BELIEVE THAT ALSO IN THE FUTURE THEY WILL CONTINUE SHOWING THE SAME LOYAL DEVOTION IN THE SERVICE OF THE ASSICURAZIONI GENERALI." (SIGNED) "EDGARDO MORPURGO"

"IN TAKING CHARGE OF THE CHAIRMANSHIP OF THE GENERAL INSURANCE COMPANY LTD OF TRIESTE AND VENICE AND THEREWITH ASSUMING THE FULL RESPONSIBILITY FOR THE CONDUCT OF THE BUSINESS OF THE COMPANY AND ITS GROUP I WISH TO ADDRESS MY GREETING TO THE WHOLE STAFF STOP FROM THE EXPERIENCE ACQUIRED IN PLACES OF HIGH RESPONSIBILITY IN WHICH I HAVE HAD THE HONOUR TO SERVE MY COUNTRY I KNOW HOW TO APPRECIATE THE VALUE OF THE STAFF'S LOYAL AND UNFIRING

Hon. John C. Blackall - 2.

September 15, 1938

COOPERATION AND TO WHAT EXTENT IT IS INSTRUMENTAL IN THE MANAGEMENT OF LARGE AND HIGHLY DEVELOPED ORGANIZATIONS STOP I AM CERTAIN THAT I MAY RELY UPON YOUR COOPERATION AND THAT ALL OF YOU WILL DO YOUR UTMOST IN ORDER THAT OUR POWERFUL COMPANY MAY BE FURTHER DEVELOPED AND STRENGTHENED AND MAY INCREASE EVER MORE ITS POSITION OF WORLDWIDE REPUTE."  
(SIGNED) "THE CHAIRMAN GIUSEPPE VOLPI DI MISURATA."

Apparently there is no indication of any change in policy to be brought about by reason of the replacement of one official with the other, and in view of the fact that the Company has ample funds deposited according to law in this country to protect the interests of its American policyholders, I cannot see that the change means anything to the American Branch.

If you should wish to discuss any phase of the situation with me, I am at your service and will come to Hartford at any time you may designate.

Yours very truly,

Hartwell Cabell

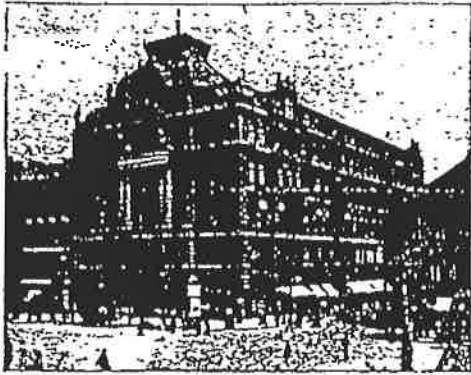
HC:D

# EXHIBIT 7

*W. Pfeffer 12012*

# ASSICURAZIONI GENERALI IN TRIEST

DIREKTION FÜR DIE ČSL. REPUBLIK IN PRAG  
 Errichtet im Jahre 1831.



ANSTALTSPALAIS IN PRAG.

## GARANTIERTES PRÄMIENERFORDERNIS

für eine Versicherung auf Ableben und Erleben.

Versicherungskapital K<sup>č</sup> ~~50.000,00~~ zahlbar im Todesfalle sofort,  
 im Erlebensfalle nach ~~25~~ Jahren. Die Prämien sind ~~20~~ Jahre  
 gemäß folgendem Zahlungsplane zu entrichten.

Alter: *25 Jahre*

Tarif: *3 P*

Jahresprämie im	1. Versicherungsjahre	K <sup>č</sup>
1.	2.205,00	0
2.	2.205,00	0
3.	2.205,00	0
4.	2.205,00	0
5.	2.105,00	0
6.	2.105,00	0
7.	2.105,00	0
8.	2.105,00	0
9.	2.099,15	0
10.	2.093,60	0
11.	2.088,10	0
12.	2.082,60	0
13.	2.077,10	0
14.	2.071,60	0
15.	2.066,10	0
16.	2.060,60	0
17.	2.055,10	0
18.	2.049,60	0
19.	2.044,10	0
20.	2.038,60	0
21.	2.033,10	0
22.	2.027,60	0
23.	2.022,10	0
24.	2.016,60	0
25.	2.011,10	0
26.	2.005,60	0
27.	2.000,10	0
28.	1.994,60	0
29.	1.989,10	0
30.	1.983,60	0
Gesamtkosten		K <sup>č</sup> <i>32.104,80</i>

Alle Leistungen im vorhinem (ist vereinbart) fixe Prämien und Anspartheilungen!

Keine Verpflichtungen ohne polissenmäßige Garantie!

## DIE ASSICURAZIONI GENERALI IN TRIEST

ist eine der ältesten und größten Versicherungsgesellschaften des Kontinentes und blickt — im Jahre 1831 als Aktiengesellschaft gegründet — auf eine fast hundertjährige erfolgreiche Tätigkeit zurück. Der stets unwichtigen und streng soliden Geschäftsführung allein ist es zuzuschreiben, daß sich das Institut im Laufe der Jahrzehnte so mächtig entfalten konnte, um diese hervorragende Stellung in der Versicherungsbranche einzunehmen. Die Bonität der Gesellschaft ist allgemein bekannt, erfordert darum keinerlei besondere Betonung und ist gleichzeitig eine Folge der bewährten Geschäftsführung.

Der beste Beweis der Beliebtheit, welcher sich die Gesellschaft in allen Kreisen des versicherungssuchenden Publikums erfreut, ist wohl der Umstand, daß die Organisation der Assicurazioni Generali heute die ganze Welt umspannt und Niederlassungen derselben in allen Ländern der Erde bestehen, womit die Gesellschaft einen nicht unwesentlichen Einfluß auf den Versicherungsmarkt überhaupt ausübt.

Der Hauptsitz des Institutes ist Triest.

Direktionen befinden sich in der ital. Republik, Österreich, Ungarn, Deutschland, Frankreich, England, Schweden, Norwegen, Dänemark, Belgien, Spanien, Portugal, Polen, Rumänien, Bulgarien, Jugoslawien, Griechenland, in der europäischen und asiatischen Türkei, und überseeische Niederlassungen in:

Ägypten, Afrika - Khartum, China - Shanghai, Brasilien - Sao Paulo, Tunis, Smyrna, Beirut, Damaskus, Jerusalem, Malta, Messina, Mexiko, New-York.

Allein das Immobilienvermögen der Gesellschaft in diesen Ländern setzt sich aus 82 Palais zusammen, die mit rund Lire 145,000,000 zu Buche stehen.

Während des fast hundertjährigen Bestandes bewies die Anstalt in ihrer Tätigkeit eine Liberalität und Anpassungsfähigkeit an die moderne Entwicklung des Versicherungswesens, die in der Tradition der Anstalt begründet war.

Die Versicherungsbedingungen sind den heutigen sozialen Forderungen angepaßt, dienen im besonderen Maße der allgemeinen Wohlfahrt und fördern die günstige Entwicklung der Volkswirtschaft.

Die Assicurazioni Generali hat das

### Prinzip der Unanfechtbarkeit und Unverfallbarkeit

im weitesten Sinne angenommen, sofern die Versicherung 3 Jahre in Kraft bestanden hat.

Noch diesem Zeitraume entbindet kein Umstand, weder Selbstmord noch Unrichtigkeit in der Altersangabe, die Gesellschaft von ihren übernommenen Verpflichtungen, mit dem alleinigen, von der Gesetzgebung verlangten Vorbehalte, daß der Versicherungsabschluß nicht durch Arglist erschlichen worden sei.

Bei Tod infolge eines Zweikampfes zahlt die Gesellschaft die volle Versicherungssumme, wenn die Versicherung auch nur sechs Monate in Kraft bestand.

Die Unverfallbarkeit, welche sich auch auf belehnte Versicherungen erstreckt, finden darin ihren Ausdruck, daß die Versicherung, sofern sie wenigstens 3 Jahre in Kraft war, bei Unterlassung der ferneren Prämienzahlung in eine von weiteren Prämienzahlungen befreite Versicherungsurkunde mit entsprechend verminderter Versicherungssumme umgewandelt wird, wobei die verminderte Versicherungssumme nach dem Verhältnisse der abgelaufenen zur vereinbarten Versicherungsdauer berechnet wird. Diese Umwandlung erfolgt automatisch, ohne daß sich der Versicherungsnehmer wegen Vornahme der Reduktion an die Anstalt wenden muß. Das Veräumnis einer Prämienzahlung nach dreijährigem Bestande kann daher nie das Aufheben des Versicherungsvertrages durch die Anstalt oder den ganzen Verlust der eingezahlten Prämien zur Folge haben. Ist die Versicherungsurkunde belehnt, so wird das Darlehen im Kompensationswege getilgt.

Die Versicherungsurkunden der Assicurazioni Generali sind nach bloß sechsmonatlichem Bestande sogenannte

### Weltpolizzen.

Nach dreijährigem Bestande räumt die Assicurazioni Generali dem Versicherungsnehmer

### das Recht des Rückkaufes

d. i. das Recht zur Auflösung des Vertrages, verbunden mit einer Vergütung seitens der Anstalt ein.

Die Höhe der Rückkaufssumme entspricht dem zu 5% diskontierten Barwert der prämienfreien Versicherungssumme, mindestens aber 60 Prozent der Prämienreserve.

### Darlehen

gewährt die Assicurazioni Generali bis zur Höhe des Rückkaufswertes nach Bezahlung von drei Jahresprämien.

Die Direktion für die Tschechoslowakei befindet sich in Prag im eigenen Palais der Gesellschaft, Generalagenturen in Brünn, Bratislava und Kaschau.

Die Befugnisse der Organe der Gesellschaft sind verschiedenartig. Sie gehen aus der Vollmacht hervor, die ein jedes Organ der Gesellschaft auf Verlangen vorzulegen verpflichtet ist.

U. S. SUPREME COURT  
PLIFFS  
CHAS. W. BROWN

## Plaintiffs' Exhibit 1-A

721

THE ASSICURAZIONI GENERALI IN TRIEST is one of the oldest and largest insurance companies of the Continent and looks back—it was established as a corporation in 1831—upon a successful activity of almost one hundred years. It is to be ascribed solely to the careful and strictly conservative management that in the course of the decades the Institute could develop so powerfully in order to occupy its preeminent position in the insurance branch. The sound financial condition (Bonität) of the company is generally known and therefore requires no special emphasis and is at the same time a consequence of the careful management.

722

The best evidence of the popularity which the company enjoys in all circles of those seeking insurance is the circumstance that the organization of the Assicurazioni Generali encircles the whole world today and branches of it exist in all countries of the earth whereby the company exerts a not insubstantial influence upon the insurance market.

723

The main office of the Institute is in Triest.

Managements (Direktionen) exist in the Czechoslovakia Republic, Austria, Hungary, Germany, France, Sweden, Norway, Denmark, Belgium, Spain, Portugal, Poland, Rumania, Bulgaria, Yugoslavia, Greece, in European and Asiatic Turkey; and trans-oceanic branches exist in Egypt and African-Khartum, China-Shanghai, Brazil-Sao Paulo, Tunis, Smyrna, Beirut, Damascus, Jerusalem, Malta, Messina, Mexico, New York.

The real property of the company alone in these countries consists of 82 Palaces which are carried



724

*Plaintiffs' Exhibit 1-A*

on the books at 145,000,000 Lire in round figures. During its existence of almost one hundred years the Institute disclosed in its activity a liberality and adaptability to the modern development of the insurance business which is based in the tradition of the company.

The insurance conditions are adapted to present day social requirements, serve in a special measure the general welfare and promote the favorable development of the public economy.

725

The Assicurazioni Generali has adopted in the broadest sense the

PRINCIPLE OF INCONTESTABILITY AND AVOIDANCE  
OF FORFEITURE

in so far as the insurance has been in force for three years.

726

After this period of time no circumstance discharges the Company from the obligations accepted by it, *neither suicide nor incorrect statement of age*, with the sole reservation required by law that the consummation of the insurance contract was not obtained by fraud.

In case of death as a result of a *duel*, the company pays *the full insurance sum* even in cases where the insurance has been in force *only six months*.

The avoidance of forfeiture which extends also to *hypothecated policies*, finds its expression in the fact that insofar as the insurance has been in force for three years, the policy in case of failure to pay further premium payments, becomes converted into an insurance policy free of further

*Plaintiffs' Exhibit 1-A*

727

premium payments in an insurance sum correspondingly diminished, in which the diminished insurance sum is computed according to the ratio of the expired time to the agreed duration of the insurance. This conversion takes place automatically without the duty on the policyholder to apply to the institute for its reduction. The default of a premium payment after a policy has been in force for three years therefore can never bring about the nullification of the insurance contract by the Company or the total loss of all the premiums paid in. If the insurance policy is encumbered by a loan, the loan is satisfied by way of setoff.

728

*After being in force only six months the insurance policies of the Assicurazioni Generali become so-called*

## WORLD POLICIES.

*After a policy has been in existence for three years, the Assicurazioni Generali allows the policyholder*

729

## THE RIGHT OF REPURCHASE

that is, the right to the dissolution of the contract of insurance in connection with a payment on the part of the Institute.

The amount of the repurchase sum corresponds to the cash value discounted at 5 per cent of the premium free insurance sum, at least 60 per cent of the premium reserve.

730

*Plaintiffs' Exhibit 1-A*

And after payment of three annual premiums the Assicurazioni Generali permits

## LOANS

up to the amount of the repurchase value.

---

731

The Management (Direktion) for Czechoslovakia is located in Prague in the Palace owned by the company. General agencies are to be found in Brunn, Bratislava and Kaschau.

---

*The powers of the organs of the Company are heterogeneous. They stem from the power of attorney which every organ of the Company is obliged to produce upon demand.*

732

NOTE: In the above translation only those words have been emphasized which are emphasized in the original.

---

TRANSLATION

2/16/42

The front side of the circular on the back of which is printed the foregoing material, reads in translation as follows:

*Plaintiffs' Exhibit 1-A.*

733

## ASSICURAZIONI GENERALI IN TRIEST

Office for the Czechoslovakian Republic in Prague (In red ink) Established in the year 1831.

(There follows a half tone photograph of the building under which appears the legend "Prague Office of the Institute")

(In Red Ink) Guaranteed (in black ink) Premium Requirement.

for a policy in case of death and in case of survival.

734

Insurance capital 50,000 Czech Crowns payable in case of death immediately and in case of survival after 25 years. Premiums are to be paid 20 years according to the following payment plan.

(There then follows a table of sums to be paid up to and including the twentieth year)

On the right hand side of the circular appears parallel to the long edge the statement (in red ink) "No promises without guarantee in the policy." On the opposite side, parallel to the opposite edge there appear in red ink the words "All payments agreed upon in advance! Fixed premiums and expectancies!"

735

826

*Plaintiffs' Exhibit 15*

amount which we have computed to be the surrender value of such policies and to postpone the time of payment of the balance for ten days so that you may verify and if necessary, correct our computation.

Very truly yours,

WACHTELL, MANHEIM & GROUP

By: MEYER GROUP

MEYER GROUP

827

**Plaintiffs' Exhibit 15**

ASSICURAZIONI GENERALI

**THE GENERAL  
INSURANCE COMPANY, LTD.**  
OF TRIESTE AND VENICE  
Established 1831

828

**FINANCIAL STATEMENT**  
UNITED STATES BRANCH  
December 31, 1940

**THE GENERAL INSURANCE  
COMPANY, LTD.**  
OF TRIESTE AND VENICE

**FINANCIAL STATEMENT**  
AS SHOWN DECEMBER 31, 1940.  
UNITED STATES BRANCH

## Plaintiffs' Exhibit 15

829

## ASSETS

Cash in Banks .....	\$858,547.60	
United States Government Bonds*	569,984.69	
State and Municipal Bonds* .....	219,569.13	
Other Bonds* .....	847,547.75	
Preferred and Common Stocks* ..	566,963.00	
Premiums in Course of Collection (Not Over 90 Days Due) .....	185,309.10	
Other Assets .....	36,088.69	
	<hr/>	
TOTAL ADMITTED ASSETS .....	\$3,284,009.96	830

\* Bonds and Stocks valued on New York Insurance Department Basis.

## LIABILITIES

Reserve for Unearned Premiums.	\$1,078,746.60	
Losses in Process of Adjustment ..	259,534.95	
Reserve for Taxes, Expenses and Sundry Items .....	213,084.54	
	<hr/>	
TOTAL LIABILITIES .....	\$1,551,366.09	831
Statutory Deposit ..	\$500,000.00	
NET SURPLUS .....	1,232,643.87	
	<hr/>	
SURPLUS TO POLICYHOLDERS .....	\$1,732,643.87	
	<hr/>	
	\$3,284,009.96	

832

*Plaintiffs' Exhibit 15**Head Office for the United States*

100 BROADWAY

NEW YORK, N. Y.

DR. IGNAZIO HORNIK

*Vice-Pres. and United States General Attorney*

WILLIAM A. RALEIGH

*Assistant United States Manager*

833

## MARINE BRANCH:

S. D. McCOMB &amp; Co., INCORPORATED

*United States Marine Managers*

116 John Street, New York City

## FIRE AND AUTOMOBILE BRANCH:

MATHER &amp; Co.

*United States Fire Managers*

226 Walnut Street, Philadelphia, Pa.

## REINSURANCE BRANCH:

834

SEIBELS, BRUCE &amp; Co.

*United States Reinsurance Managers*

Columbia, S. C.

*and*

80 Maiden Lane, New York City

UNITED STATES TRUSTEE

GUARANTY TRUST COMPANY OF NEW YORK

## Plaintiffs' Exhibit 16

835

Examination Before Trial of defendant by  
Dr. Hornik.

(This is identical with the Examination printed  
herein at page 81 *et seq.*)

## Plaintiffs' Exhibit 17

SUPREME COURT OF THE STATE OF  
NEW YORK

836

COUNTY OF NEW YORK

MAX BUXBAUM, WILLI BUXBAUM,  
FRITZ BUXBAUM, also known as  
FRED BUXBAUM, GEORG BUX-  
BAUM and EWALD BUXBAUM,  
*Plaintiffs,*  
*against*

ASSICURAZIONI GENERALI,  
*Defendant.*

837.

The plaintiffs having subpoenaed the records  
of the Guaranty Trust Company of New York  
and of the Chase National Bank for the purpose  
of having such banks produce at the trial of this  
action the records of all the accounts of the de-  
fendant with such banks, including the regular  
accounts maintained by the Home Office, the



838

*Plaintiffs' Exhibit 17*

Branch Accounts maintained by the New York Branch and Custody Accounts for securities maintained by the Home Office with these banks;

And the parties having found that such records will take up a great deal of time and effort of the Court and having agreed on the essential matters concerning such accounts;

839

Now, THEREFORE, IT IS STIPULATED, that at the trial of the above action the plaintiffs may in lieu of testimony of such banks offer this stipulation into evidence for the purpose of making it part of the record, and the parties agree that such record shall be the following:

1. The defendant had several accounts in New York with the Guaranty Trust Company of New York and with the Chase National Bank, among them Home Office accounts, and New York Branch Office accounts which it uses for its New York business.

840

2. That at all times during which the policies mentioned in the Complaint were in force the defendant had on deposit in its Home Office accounts and security Custody accounts with the Guaranty Trust Company of New York and with the Chase National Bank very substantial sums.

3. The monies deposited into such Home Office accounts for the account of the defendant were transmitted from many countries including among others, England, France, Switzerland, Czechoslovakia, Austria and Italy.

4. The plaintiffs have attached funds of the defendant, such funds being in the Home Office accounts.

841

Dated, New York, N. Y., January 22, 1942.

WACHTELL, MANHEIM & GROUF  
Attorneys for Plaintiffs

CABELL & CABELL  
Attorneys for Defendant

842

Plaintiffs' Exhibit 18

Address Official Communications to

THE SECRETARY OF STATE  
Washington, D. C.

(SEAL)

DEPARTMENT OF STATE  
WASHINGTON

843

In reply refer to  
Eu

January 17, 1942

My dear Mr. Grouf:

This Department is in receipt of a letter of January 15, 1942 from Mr. Dean Hill Stanley, requesting that information be transmitted to you respecting the recognition by the United States of Czechoslovakia.

# EXHIBIT 8

ASSICURAZIONI GENERALI - VENICE

Anonymous Company founded 1831

General Agency of Milan

No 1106/m

Branch Life

January 6 1943

To the Leader of the Province  
Republic Prefect of Milan

Liquidation Measures for Jewish Assets:  
Policy 515823 - Lopes Pegna A.

The holder of the policy in the margin is Mr. Arrigo Lopes Pegna of Ettore - the beneficiary is the wife, Mrs. Gemma Servi in Lopes Pegna - Milan, O sc. C. Ciano 10 both of whom belong to the Jewish race

We renounce the aforementioned policy and signify to you that the same is in effect for an insured sum of L. 100,000

Assicurazioni Generali - Venice  
General Agency of Milan

# Assicurazioni Generali Venezia



Venezia, li 15 gennaio 1947.  
N. 1567

ASSICURAZIONI GENERALI  
MILANO

Milano, li 15 gennaio 1947.  
N. 1567

CAPO L. ... PROVINCIA ...

N. 1567

Al ...  
L. ...

Contratto delle polizze ...  
Al ...  
Denuncia ...  
che la stessa è in vigore per un capitale assicurato di L. 100.000.000.

ASSICURAZIONI GENERALI VENEZIA  
MILANO

...

# EXHIBIT 9

REPUBLIC PREFECT OF MANTOVA

No. 15283

10 Aug 1944

SUBJECT: Life Insurance Policies of Jews

MINISTRY OF FINANCE  
General Administration of Personnel and General Affairs

You are kindly asked to examine and give instructions about the contents of the following note, 21 July 1944, of the firm Assicurazioni Generali of Venice:

→ "With reference to the revocation made by us the preceding May 31 of the life policy contracted by a person of the Jewish race, we communicate as follows:

The Ministry of Finance, owing to agreements reached with the National Fascist Confederation of Credit and Insurance Businesses, has established the meaning and effect of Legal Decree January 4 preceding, no. 2, to wit, that companies must revoke the life insurance policies for which the redemption right has matured 'always establishing, when possible, that the policyholder and beneficiary are of the Jewish race.'

Therefore, referring to the policies revoked by us, we note:

- Policy 22615/25054, Engineer Vito Cantoni - The policy is made to the benefit of legitimate heirs and not to a person expressly designated, for whom it would be established whether he is of the Jewish race or not;

- Policy 546506, Doctor Pontecorboli Angiolo - The beneficiary is the wife Vittoria Cantoni, the couple reside at Grosseto and are now abroad; we are not therefore in position to ascertain if both are of the Jewish race.

We must also point out, independently of the beneficiary designation indicated in the policy, the policyholder can always establish by testament a different beneficiary designation (and therefore also in favor of an Aryan) for which we cannot assume any responsibility in the eventual confiscation of the policies' redemption value and the possible request for the payment of the insured sum that could be made of us by beneficiaries or policyholders when, with the death of the insured, the beneficiaries may happen to be Aryan.

We desire, therefore, that this Prefect examine this matter and decide regarding these policies."

PREFETTURA DIREZIONE GENERALE DI MANIAGO  
PERSONALE e AFFARI CORRENTI

28 AGO 1944  
24498  
P. C. 116

10 AGO 1944

Prot. N. 11000  
RISPOSTA

PROGETTO POLIZIA

personale di razza ebraica

UFFICIO DELLE RINASCITE

Ufficio Affari Generali e del Personale

P.C. 116

Precedi con il tuo provvedimento a dare istruzioni circa  
il contenuto della circolare del 21 Luglio 1944 della Direzione  
Generale di Venezia:

4° Con riferimento alla domanda da noi fatta il 31 Maggio  
relativa alla polizza assicurativa in nome di razza ebraica  
emessa dalla Compagnia Assicurativa "Impero" di Venezia.

Il Direttore delle Rinnascite in seguito ad accordi intercorsi  
con la Compagnia Assicurativa Impero, Fascista delle Aziende del Credito  
e dell'Industria ha stabilito che ai nomi e per gli af-  
fetti di cui si è trattato nel 1° Luglio 1944 essere documentati  
dalla Direzione Provinciale di Assicurazioni vita per lo quali è  
stata emessa la polizza "Impero" sempre quando sia stato  
stabilito che il beneficiario non è di razza  
ebraica.

Per quanto riguarda le polizze da noi depositate nell'Ufficio  
- Direzione Provinciale di Assicurazioni - la polizza n. 10000  
emessa in nome di razza ebraica è stata espressamente annullata,  
e l'importo della polizza versato a favore di razza ebraica  
- il nome della D. M. P. di razza ebraica è beneficiario in  
nome di razza ebraica; i beneficiari risiedono a Grosseto ed una  
parte dell'importo versato quindi lo grado di esportare in  
nome di razza ebraica.

Chiedi di far procedere sia indipendentemente dalla veri-  
ficazione del beneficio indicato in polizza - il contratto può

Il. U. M. P.



PREFETTURA REPUBBLICA ITALIANA DI MANTOVA

DIREZIONE GENERALE PERSONALE e AFFARI CORR.

Prot. N. 15253 Div. RISPOSTA

10 AGO 1944

28 AGO 1944

24698

194

OGGETTO: Polizza - tass. - persone di razza ebraica

MINISTERO DELLE FINANZE

Direc. Gen. Affari Generali e del Personale

P.C. 316

Prezzi esaminare cortesemente e dare istruzioni circa il contenuto della seguente nota 21 luglio 1944 della Società e Assicurazioni Generali di Venezia:

A" con riferimento alla denuncia da noi fatta il 31 Maggio pp. delle polizze vita contratte da persone di razza ebraica comprendiamo quanto segue:

- Il Ministero delle Finanze in seguito ad accordi intervenuti con la Confederazione Naz. Fascista delle Aziende del Credito e dell'Assicurazione ha stabilito che ai fini e per gli effetti di cui D.L. 4 gennaio pp. N.2 devono essere denunciate dalle Imprese le polizze di assicurazione vita per le quali sia noturato il diritto al riscatto "sempre quando sia possibile stabilire che il contraente ed il beneficiario sono di razza ebraica."

Pertanto riferendosi alle polizze da noi denunciate nell'anno 1944, l'15/10/44, Sig. Vito Cantoni - la polizza è a favore degli eredi legittimi o non di persona espressamente designata e non si possa stabilire se sia o no di razza ebraica;

- polizza 646506, Dr. Pancorboli Angiolo; è beneficiaria la moglie Vittoria Cantoni; i coniugi risiedono a Grosseto ed ora sono all'estero; non siamo quindi in grado di accertare se contraenti siano di razza ebraica.

Dobbiamo poi far presente che indipendentemente dalla designazione del beneficiario indicato in polizza - il contraente può

*[Handwritten signature]*

Life Ins. - Jews(2).max

Finanzamt für Körperschaften Wien  
 1. Bez., Niernergasse 2 (Verzeichnis Nr. 22, 12)

Aktenzeichen des Oberfinanzpräsidenten Berlin: \_\_\_\_\_

188518

# Anmeldebogen C1

Auszufüllen von Schuldnern im Inland, die im Ausland befindlichen Firmen eine Leistung schulden. — § 5 der Anmeldebekanntmachung —  
 Auf Anmeldebogen C1 sind anzumelden: Verpflichtungen aus dem Warenverkehr und dem Kapitalverkehr, Hypotheken und Grundschulden sowie  
 Verpflichtungen aus Versicherungsverträgen.

Verpflichtungen betreffend gewerbliche Schutzrechte und Urheberrechte, Verpflichtungen zu wiederkehrenden Leistungen, sonstige Verpflichtungen (vgl. An-  
 leitung D. IV. 2. c) sowie Verpflichtungen zu Leistungen, die nicht auf Geld lauten, sind nicht auf diesem Anmeldebogen, sondern auf Anmeldebogen C 2  
 anzumelden.

1. Name (Name und Vorname)  H a y m a n n Hermann *Herrmann*  
 Firma des feindlichen Gläubigers *früher Brüssel, unbekannt unbekannt*  
 Wohnort oder Niederlassung *unbekannt*  
 Staatsangehörigkeit (vgl. Anleitung C.)  
 2. Name (Name und Vorname)   
 Firma des Anmeldepflichtigen *Assicurazioni Generali*  
 Wohnort oder Niederlassung *Wien I., Bauernmarkt 2.*  
 Staatsangehörigkeit (vgl. Anleitung B.)

Ich schulde — wir schulden — die oben unter 2. bezeichnete Firma schuldet — den oben unter 1. bezeichneten — der oben unter 1. bezeichneten  
 Firma — folgende Beträge oder sonstige Leistungen (vgl. Anleitung D. IV. 1.).

Art der Schuld (z. B. Kontokorrentschuld, Darlehensschuld, Hypothekenschuld)	Wann ist die Schuld entstanden?		Wert der Schuld (nach Abzug getilgter Beträge)		Zins- satz <sup>1)</sup>	Fälligkeit oder ver- tragliche Laufzeit <sup>2)</sup>	Bemerkungen
	a) vor dem 3. 9. 39 entstanden: ja oder nein?	b) falls am 3. 9. 39 oder später entstanden, Angabe des Zeitpunkts	a) in der ge- schuldeten Währung	b) in <i>Sch.</i>			
1	2a	2b	3a	3b	4	5	6
Versicherungsschuld	ja		Dollar 1.605,51	4.002,54	zins- los	Er- und Ableben	
1. Vorprüfung 2. Anmeldebogen 2 und 3 an R. S. III. am 3. Kartell 4. Statistik <i>erfüllt</i>							

<sup>1)</sup> In den Zinssatz sind auch etwaige regelmäßig zu zahlende Verwaltungskostenbeiträge, Provisionen, Gebühren usw. einzubeziehen. Zinslose Ver-  
 pflichtungen sind in der Spalte »Zinssatz« als »zinslos« zu bezeichnen.

<sup>2)</sup> Bei Festzeithypotheken ist der Zeitpunkt anzugeben, an dem die Rückzahlung frühestens verlangt werden kann, bei Kündigungshypotheken ohne feste  
 Mindestlaufzeit ist die Kündigungsfrist anzugeben. — Falls Abzugsraten vereinbart sind, so ist ihr Betrag und ihre Fälligkeit anzugeben.

Ich versichere, daß ich die Angaben nach bestem Wissen und Gewissen gemacht, insbesondere die geschuldeten Beträge und  
 sonstigen Leistungen richtig und vollständig angegeben habe.

Wien, 12. September 1940.

Assicurazioni Generali  
 Direktion für Oesterreich

*Proch*  
 (Unterschrift des Anmeldepflichtigen)

Anmeldungen ohne Unterschrift gelten als nicht abgegeben.

**Der Oberfinanzpräsident Berlin-Brandenburg**

— Außenstelle —

Berlin C 2,  
Neue Königstraße 61/64

1. **Bemerk:** Es ist anzunehmen, daß der Jude Heymann Hermann seine deutsche Staatsangehörigkeit auf Grund der 11. Verordnung zum Reichsbürgergesetz vom 25. November 1941 verloren und die Staatsangehörigkeit eines feindl. Landes nicht erworben hat; sein Vermögen ist deshalb voraussichtlich dem Reich verfallen. Weitere Bearbeitung unterbleibt gem. Amtsverfügung 6/42 vom 3. Juli 1942.
2. **Laufzettel betr. Juden** (zu 188548-61)

Erfuchende Stelle	Datum	Erfuchte Stelle	Ersuchen	Erledigungsvermerk	Datum
Blab		Kartei	Gegen weitere Anmeldungen vor?	<i>im Auftr. v. ...</i>	19.2.43
Kartei	15.2.43	Regist.	Ersuchen zur Beifügung		
Regist.	18.2.43	Blab	Entscheidung ob beigelegte Bogen Judenbogen sind		
Blab		Kartei	Bemerk auf Kartellarten	<i>im Auftr. v. ...</i>	19.2.43
Kartei		Stattf.	Abhebung der erfachten Beträge		
Stattf.	19.2.43	Regist.	Ablegung der Bogen gem. Amtsverfügung 6/42		

*Handwritten initials*

Im Auftrug

(Sachbearbeiter) 19.2.43

3. 3.2.43

# Algemeine Assekuranz (Assicurazioni Generali)

Gegründet 1837.

Direktion  
für das Deutsche Reich:  
Wien 1. Bauernmarkt 2.

Telegramme: 1: 2-26-20  
Generale Wien Ruf: 0 2 45 70

An den

Herrn Oberfinanzpräsidenten Berlin-Brandenburg  
Aussenstelle,



B e r l i n C 2, Neue Königstrasse 61/64

Zur Antwort gef. anzuführen:

Mit Best.-Verw. EN/k

Wien, am 23. November 1942.

Ihr Zch.: 188 518 GJ  
Betrifft: Polize Nr. 574534 - Hermann Heymann, früher Brüssel.

Auf Ihre Anfrage vom 6. v. Mts. teilen wir Ihnen wunschgemäß folgendes mit:

- 1.) Jetziger Aufenthalt des Berechtigten (Versicherungsnehmer) unbekannt, zuletzt wohnte der Versicherte in Paris oder Brüssel ohne nähere Adresse,
- 2.) letzte Wohnung im Inland ~~Berlin, Grunewald, Dunckerstr. 19,~~
- 3.) Staatsangehörigkeit des Berechtigten im Zeitpunkt seiner Auswanderung: unbekannt,
- 4.) heutige Staatsangehörigkeit unbekannt,
- 5.) der Berechtigte (Versicherungsnehmer) ist Jude,
- 6.) die Anmeldung als feindliches Vermögen erfolgt in der Annahme, dass Belgien Feindesland sei.

Auf Grund Ihrer jetzigen Ausführungen nehmen wir zur Kenntnis, dass die Versicherung nicht anzumelden war.

Heil Hitler!  
ALLGEMEINE ASSEKURANZ  
(ASSICURAZIONI GENERALI)  
Direktion für das Deutsche Reich

*Handwritten notes:*  
Kommunikation  
Café  
Nachfrage

*Handwritten signature:* Kurt L.

Der Oberfinanzpräsident Berlin-Brandenburg

Berlin C 2, 9. Dez. 1942  
Neue Königstraße 61/64

— Außenstelle —  
P I K V 188518 81-85

**B f g.**

1. An Polizei Einwohnermeldeamt (Einwohnermeldeamt)  
Finanzamt \_\_\_\_\_ in Berlin

**Anmeldung feindlichen Vermögens.**

Der Herrmann Heymann hat zuletzt Berlin, Grunewald  
Lünkersh. 19 gewohnt. Es wird um Feststellung und Mitteilung gebeten, wohin  
der Genannte ausgewandert ist. Soweit dort bekannt, bitte ich um folgende Angaben:

- 1. Jehige Anschrift,
- 2. Geburtstag und Geburtsort,
- 3. Staatsangehörigkeit (der früheren und der jehigen),
- 4. Ist der Genannte Jude?

2. Bzlg. 20.1.1943

Mit Nachzug vom 18.12.42  
~~und Nachzug verbleibt.~~

Die Registratur  
28.12.42

- 8. Dez. 1942

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C/2340. DGP. 381/42.

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Das Gefüge ist seit 1. 2. 37 von Berlin,  
Vandereffnung 19 voll Winter nach Paris  
abgemindert. Hauptausg. N. R. vergrünert.  
Jahr.

H. V. G.  
12/12/42

12. 12. 42  
Das Einwohner-Verzeichnis  
des Reichsstatistikamtes

H. Helmer

Der Oberfinanzpräsident  
Berlin-Brandenburg  
Außenamt  
18. DEZ 1942  
Anlagen

Finanzamt für Körperschaften Wien  
 Finanzamt 1. Bez. Riemergasse 2 (Verzeichnis Nr. 22, 12)  
 Aktenzeichen des Oberfinanzpräsidenten Berlin: 188590

*Jude*

# Anmeldebogen C 1

Kaufzufällen von Schuldern im Inland, die im Ausland befindlichen Gläubigern eine Leistung schulden. — § 5 der Anmeldeverordnung —  
 Auf Anmeldebogen C 1 sind anzumelden: Verpflichtungen aus dem Warenverkehr und dem Kapitalverkehr, Hypotheken- und Grundschulden sowie  
 Verpflichtungen aus Versicherungsverträgen.

Verpflichtungen betreffend gewerbliche Schutzrechte und Urheberrechte, Verpflichtungen zu wiederkehrenden Leistungen, sonstige Verpflichtungen (vgl. An-  
 leitung D. IV. 2. c) sowie Verpflichtungen zu Leistungen, die nicht auf Geld lauten, sind nicht auf diesem Anmeldebogen, sondern auf Anmeldebogen C 2  
 anzumelden.

1. Name (Zuname und Vorname) O. Barchanach S. Jemel  
 Firma unbekannt des feindlichen  
 Wohnort oder Niederlassung unbekannt Gläubigers  
 Staatsangehörigkeit unbekannt  
 (vgl. Anleitung C.)

2. Name (Zuname und Vorname) Assicurazioni Generali  
 Firma Wien I., Bauernmarkt 2. des Anmelde-  
 Wohnort oder Niederlassung Wien I., Bauernmarkt 2. pflichtigen  
 Staatsangehörigkeit  
 (vgl. Anleitung B.)

Ich schulde — wir schulden — die oben unter 2. Bezeichnete Firma schuldet — den oben unter 1. Bezeichneten — der oben unter 1. Bezeichneten  
 Firma — folgende Beträge oder sonstige Leistungen (vgl. Anleitung D. IV. 1.).

Art der Schuld (z. B. Kontokorrentschuld, Darlehensschuld, Hypothekenschuld)	Wann ist die Schuld entstanden?		Wert der Schuld (noch übrig getilgter Beträge)		Zins- satz <sup>1)</sup>	Fälligkeit oder ver- tragliche Laufzeit <sup>2)</sup>	Bemerkungen
	a) vor dem 3. 9. 39 entstanden: ja oder nein?	b) falls am 3. 9. 39 oder später entstanden, Angabe des Zeitpunkts	a) in der ge- schuldeten Währung	b) in RM			
1	2a	2b	3a	3b	4	5	6
Versicherungsschuld	ja			115.47	zins- los	Er- und Ableben	
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>2. Erfassung</b>            entfällt <u>10. 11. 1946</u> </div>							
Statistik erfasst S. Nr. <u>2540</u> Liste Nr. <u>2540</u> <b>Statistik absetzen</b> <u>10. 11. 1946</u>							

<sup>1)</sup> In den Zinssatz sind auch etwaige regelmäßig zu zahlende Verzugszinsen, Provisionen, Gebühren ufm. einzubeziehen. Zinslose Ver-  
 pflichtungen sind in der Spalte »Zinssatz« als »zinslos« zu bezeichnen.  
<sup>2)</sup> Bei Festzeithypotheken ist der Zeitpunkt anzugeben, an dem die Rückzahlung/fälligkeit verlangt werden kann, bei Kündigungshypotheken ohne feste  
 Kündigungsfrist ist die Kündigungsfrist anzugeben. — Falls Tilgungsraten vereinbart sind, so ist ihr Betrag und ihre Fälligkeit anzugeben.

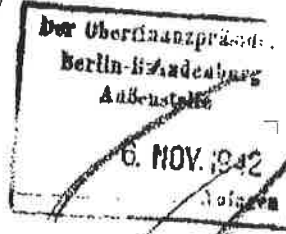
Ich versichere, daß ich die Angaben nach bestem Wissen und Gewissen gemacht, insbesondere die geschuldeten Beträge und  
 sonstigen Leistungen richtig und vollständig angegeben habe.  
 Wien, 12. September 1940  
**Assicurazioni Generali**  
 Direktion für Oesterreich  
 (Unterschrift des Anmeldepflichtigen)  
**Anmeldungen ohne Unterschrift gelten als nicht abgegeben.**

# Algemeine Assekuranz (Assicurazioni Generali)

Geegründet 1831.

Direktion  
für das Deutsche Reich:  
Wien 1, Bauernmarkt 2.

An den



Herrn Oberfinanzpräsidenten Berlin-Brandenburg,  
Außenstelle,

Telegramme: Ref. 1: 2 95 20  
Generale Wien Ref. 1: 2 45 10

BERLIN C 2, Neue Königstr. 61/64

Bei Antworten gefl. anzuführen:  
All. Best.-Verw. EN/k

Wien, am 3. November 1942.

Ihre Zahl: M KFW 188 590 C 1  
Betrifft: Polize Nr. 57555 - S. Barchasch

Auf Ihre Anfrage vom 9. IX. 1. J. teilen wir Ihnen mit, dass  
uns der jetzige Wohnsitz des Obgenannten nicht bekannt ist.

Auch ist uns die Staatsangehörigkeit des S. Barchasch, der  
Nichtarier ist, unbekannt. Seine letzte inländische Wohnungsanschrift war laut  
unseren Aufzeichnungen: Leipzig C 1, Auenstrasse Nr. 23.

Heil Hitler!  
ALLGEMEINE ASSEKURANZ  
(ASSICURAZIONI GENERALI)  
Direktion für das Deutsche Reich

Jude



# EXHIBIT 10

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 MIAMI DIVISION

4 CASE NO. 01-1859 CIV SEITZ

5 IRVING ROSNER, et al.,

6 Plaintiffs,

7 vs.

8 UNITED STATES OF AMERICA,

9 Defendants.

10 -----x  
11  
12 220 Alhambra Circle  
13 Coral Gables, Florida  
14 Monday, March 22, 2004  
15 9:25 a.m.

16 VIDEOTAPE DEPOSITION OF DAVID MERMELSTEIN

17 Taken on behalf of the Defendant before LOIS  
18 E. GUFFEY, RDR, Notary Public in and for the State of  
19 Florida at Large, pursuant to a Notice of Taking  
20 Deposition filed in the above cause.  
21  
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1 APPEARANCES:

2 SAMUEL J. DUBBIN, P.A.  
3 DUBBIN & KRAVETZ, LLP  
4 Commercebank Center Fourth Floor  
5 220 Alhambra Circle  
6 Coral Gables, FL 33134  
7 By: Samuel J. Dubbin, ESQ.  
8 Appearing on behalf of the Plaintiffs.

9 And

10 CUNEO WALDMAN & GILBERT, LLP  
11 317 Massachusetts Ave., N.E.  
12 Suite 300  
13 Washington, DC 20002  
14 By: David W. Stanley, Esq.  
15 Appearing on behalf of the Plaintiffs.

16 U. S. DEPARTMENT OF JUSTICE  
17 20 Massachusetts Ave., N.W.  
18 Washington, D.C. 20530  
19 By: Carolyn A. McKee, Esq.  
20 And Jeffrey M. Smith  
21 Appearing on behalf of the Defendants.

22 I N D E X

23 WITNESS            DIRECT    CROSS        REDIRECT    RECCROSS  
24 DAVID MERMELSTEIN    3            63            91

1 Thereupon:

2 THE VIDEOGRAPHER: This is the videotape  
3 deposition of David Mermelstein. This video  
4 deposition has been noticed by Attorney Carolyn A.  
5 McKee from the United States Department of Justice  
6 in the matter of Irving Rosner, et al. versus the  
7 United States of America. This is Case No.  
8 01-1859-CIV in the United States District Court,  
9 Southern District of Florida, Miami Division. This  
10 deposition is being taken at the offices of Dubbin &  
11 Kravetz, LLP at 220 Alhambra Circle, Suite 400,  
12 Coral Gables, Florida. Today is March 22nd, 2004.  
13 The court reporter is Lolane Guffey from Fernandez &  
14 Associates. The videographer is Jeff Menton of  
15 Valuable Video. We are on the video record. The  
16 time is 9:25 a.m.

17 Will the court reporter please swear the  
18 witness in and then would counsel state their  
19 appearances for the record.

20 Thereupon:

21 DAVID MERMELSTEIN  
22 was called as a witness, and having been first duly  
23 sworn, was examined and testified on his oath as  
24 follows:

25 DIRECT EXAMINATION

1 MS. MCKEE: Carolyn McKee, for the United  
2 States.

3 MR. SMITH: Jeffery Smith, for the United  
4 States.

5 MR. DUBBIN: Samuel Dubbin, for the  
6 plaintiffs.

7 MR. STANLEY: David Stanley, for plaintiffs.

8 BY MS. MCKEE:

9 Q. If I could begin. Good morning,  
10 Mr. Mermelstein.

11 A. Good morning.

12 Q. How are you? Again, my name is Carolyn McKee.  
13 I am an attorney at the Department of Justice and I  
14 represent the United States in this matter. Sitting  
15 next to me is a court reporter. She is going to take  
16 down every word that you and I say, and at the end of  
17 the table is a videographer who is going to be -- at the  
18 request of the court is going to be videotaping what  
19 goes on here today.

20 A. Okay.

21 Q. Have you ever been deposed before?

22 A. Once.

23 Q. Once. And in what context?

24 A. I sold a business and I had to take it back.

25 Q. Very good. So you are a little familiar with

1 how this is going to go --

2 A. A little.

3 Q. -- but I just want to remind you a little bit  
4 of the sort of ground rules and make sure we are all on  
5 the same page. In a few minutes I am going to ask you  
6 questions related to the facts in this lawsuit. If you  
7 don't clearly hear one of my questions, please, ask me  
8 to repeat it.

9 A. Okay.

10 Q. Will you agree to do that?

11 A. Yes.

12 Q. If you don't understand a question, tell me.  
13 This can be very informal. So will you do that?

14 A. Yes.

15 Q. Okay. If you don't know or don't remember the  
16 answer to a question, just say so. Will you do that?

17 A. Yes.

18 Q. Also, if at any time during the deposition you  
19 realize that an earlier answer was somehow incomplete or  
20 wrong for whatever reason, just -- if you could just  
21 tell me and we will be happy to go back and correct the  
22 record. Will you do that?

23 A. Okay.

24 Q. Next, if you need a break for any reason,  
25 please, tell me. We will be happy to accommodate that

1 Q. Where do you live, sir?

2 A. 9121 Southwest 66 Terrace, Miami.

3 Q. Are you married?

4 A. Yes.

5 Q. What is your wife's name?

6 A. Irene.

7 Q. Do you have children, sir?

8 A. Yes. Three children.

9 Q. And grandchildren?

10 A. Three.

11 Q. What about great grandchildren?

12 A. Not yet.

13 Q. Not yet. How long have you lived in Miami?

14 A. 53 years.

15 Q. Are you employed or retired at this time?

16 A. Retired.

17 Q. Retired. And what did you do before you  
18 retired?

19 A. Worked and owned a dry cleaning.

20 Q. What is your birth date, sir?

21 A. 12-21-28.

22 Q. Where were you born?

23 A. Czechoslovakia.

24 Q. What town in Czechoslovakia?

25 A. Kivjazz.

1 as much as we can. This is not -- we can take breaks,  
2 go to the restroom --

3 A. Okay.

4 Q. -- do all that kind of thing. For the most  
5 part, as long as there is not a question pending, I will  
6 be happy to take a break.

7 A. Good.

8 Q. If you answer the question, I will assume you  
9 understood the question.

10 A. Yes.

11 Q. Okay. Are you taking any medicine or drugs of  
12 any kind today that would prevent you from speaking  
13 truthfully or understanding?

14 A. Today, no. Actually, I don't take medicine in  
15 the morning.

16 Q. Okay. Are you -- are you feeling well today?

17 A. Yes.

18 Q. Very good. And is there any other reason why  
19 you think you can't give full answers and truthful  
20 answers today?

21 A. No.

22 Q. Very good. Thank you. If you could state  
23 your name for the record, please, sir.

24 A. The name is David Mermelstein.

25 M-E-R-M-E-L-S-T-E-I-N.

1 Q. Could you spell that?

2 A. K-I-V-J-A-Z-D.

3 Q. So when you were born you were a Czech  
4 citizen; is that correct?

5 A. Yes, yes.

6 Q. What citizenship do you hold now?

7 A. U.S.

8 Q. Have you ever held a citizenship of another  
9 country?

10 A. No, just --

11 Q. Just the two?

12 A. Just the two. Although they may --

13 Q. When did you become -- when did you become a  
14 naturalized citizen of the United States?

15 A. It was '54.

16 Q. 1954?

17 A. '54? Either three or four, yes.

18 Q. To the best of your recollection --

19 A. Yes.

20 Q. -- 1954?

21 A. Uh-huh.

22 Q. When you naturalized, did you give up your  
23 Czech citizenship?

24 A. Oh, yeah.

25 Q. Do you have any family in Czechoslovakia now?

1 A. No.  
 2 Q. Any family in Hungary?  
 3 A. (Witness nods head).  
 4 MR. DUBBIN: David, Mr. Mermelstein, make sure  
 5 you let her finish the question before you answer,  
 6 okay. And state your answer verbally, because  
 7 although she's good at sign language it's better if  
 8 you state your answer on the record.  
 9 THE WITNESS: Well, do you consider a cousin  
 10 family?  
 11 BY MS. McKEE:  
 12 Q. Yes, I do.  
 13 A. Oh. Then yes.  
 14 Q. Where is your cousin?  
 15 A. Australia --  
 16 Q. Okay.  
 17 A. -- Israel and Brooklyn.  
 18 Q. Are you in contact with those cousins?  
 19 A. With the one in Brooklyn, yes.  
 20 Q. But not with the others?  
 21 A. In Israel occasionally but not that often.  
 22 Q. Okay. Very good.  
 23 (Whereupon, there was a brief interruption.)  
 24 THE WITNESS: Let me turn it off. Okay.  
 25 BY MS. McKEE:

1 A. He owned a business.  
 2 Q. What kind of business?  
 3 A. Similar to a pub.  
 4 Q. I am sorry?  
 5 A. Similar to a pub where they sold --  
 6 Q. Yes.  
 7 A. -- wine, whiskey, liquor, beer, all that. In  
 8 Europe you couldn't sell it all over. It had to be a  
 9 special place for all that.  
 10 Q. Is this the house that you lived in at the  
 11 time of the war?  
 12 A. Yes.  
 13 Q. Did you ever live in any other house --  
 14 A. No.  
 15 Q. -- in Czechoslovakia?  
 16 A. No.  
 17 Q. I know this is a difficult subject, sir, but  
 18 at some point you were forced to leave your home; is  
 19 that correct?  
 20 A. Yes.  
 21 Q. And your entire family was?  
 22 A. Yes.  
 23 Q. Where did you go?  
 24 A. To the ghetto. And they took us to a city  
 25 called Beregszasz

1 Q. Have you visited Czechoslovakia since you left  
 2 it, sir?  
 3 A. Once.  
 4 Q. When was that?  
 5 A. About six -- six, seven years ago.  
 6 Q. And the purpose of your visit?  
 7 A. I went back to my hometown.  
 8 Q. How long was your visit?  
 9 A. Two weeks.  
 10 Q. Sir, where did your family live when you were  
 11 born?  
 12 A. In that house.  
 13 Q. In the house in --  
 14 A. Kivjazzd.  
 15 Q. Kivjazzd?  
 16 A. Yes.  
 17 Q. For how long did they live there?  
 18 A. Ooh, my father was born there.  
 19 Q. Okay. And did you have -- what other family  
 20 members lived with you in that house?  
 21 A. The grandparents and an aunt. And you mean  
 22 the rest of the family?  
 23 Q. Yes, please.  
 24 A. Five brothers, a sister and parents.  
 25 Q. Did your father work, sir?

1 Q. Can you spell that, sir? If not we can --  
 2 A. Yes.  
 3 MR. DUBBIN: It's in the -- it's in the  
 4 complaint.  
 5 MS. McKEE: Okay.  
 6 BY MS. McKEE:  
 7 Q. And all of your family members went with you?  
 8 A. Yes.  
 9 Q. At the -- where did you go next?  
 10 A. From the ghetto they took us to Auschwitz.  
 11 Q. And at the end of the war, sir, where did you  
 12 go?  
 13 A. After I was liberated?  
 14 Q. Yes.  
 15 A. Back to the hometown.  
 16 Q. How old were you at that time?  
 17 A. 16 and a half.  
 18 Q. What did you find in your hometown?  
 19 A. An empty town.  
 20 Q. Did you go to your house?  
 21 A. Yes.  
 22 Q. And what did you find?  
 23 A. Nothing.  
 24 Q. From there where did you go, sir?  
 25 A. Whew. I overstayed my welcome there, left

1 because it became part of Russia. So I went back to  
 2 Czechoslovakia, to Germany to a displaced person camp.  
 3 Q. When you say that your town in Czechoslovakia  
 4 was overtaken by the Russians -- is that right, by the  
 5 Soviets?  
 6 A. Yeah, after the war.  
 7 Q. After the war. Okay. Do you remember when  
 8 you arrived in that displaced person camp in Germany?  
 9 A. Yes. November 1945.  
 10 Q. And when were you liberated from --  
 11 A. May the 5th, 1945.  
 12 Q. So during those months in between you were  
 13 traveling back to your hometown and spent time there; is  
 14 that right?  
 15 A. Well, I was sick after -- stayed in  
 16 Czechoslovakia for awhile and then went back home, yes.  
 17 Q. Do you remember the name of the displaced  
 18 person camp?  
 19 A. Oh, sure.  
 20 Q. What is that?  
 21 A. Landsberg Amlach.  
 22 Q. And what country or organization ran that  
 23 camp?  
 24 A. UNRO.  
 25 Q. I am sorry?

1 newspapers, no CNN.  
 2 Q. What was the U. S. Army telling you at that  
 3 time?  
 4 A. They weren't -- they weren't telling us -- we  
 5 were -- we were -- you could say we were under their  
 6 control but we didn't have direct contact with the  
 7 Americans.  
 8 Q. Who did you have -- who did you have direct  
 9 contact with?  
 10 A. In the displaced person camp there were --  
 11 like a leadership.  
 12 Q. After you have left the camp in November --  
 13 no, I am sorry. After you left the camp in March of  
 14 1947, where did you go?  
 15 A. That's when they picked some of the younger  
 16 ones and took us to Pren. And we were getting ready  
 17 like to come to the United States.  
 18 Q. Where is Pren, sir?  
 19 A. In Germany.  
 20 Q. In Germany. Could you spell that? Do you  
 21 remember?  
 22 A. P-R-E-N.  
 23 Q. Where did you stay in Pren?  
 24 A. It was a building under the Americans where we  
 25 went to the consul back and forth.

1 A. The UNRO, United Nations Reorganization.  
 2 Actually, the American army was in charge.  
 3 Q. What languages were spoken at that camp?  
 4 A. Mainly Jewish.  
 5 Q. Mainly -- I am sorry?  
 6 A. Jewish.  
 7 Q. Jew -- what language?  
 8 A. Yiddish.  
 9 Q. Yiddish. Okay. Did you speak Yiddish at the  
 10 time, sir?  
 11 A. Oh, yeah.  
 12 Q. Were there other Czechoslovakians at the camp?  
 13 A. Yes. From all over the world.  
 14 Q. Were there other -- were there Hungarians  
 15 there?  
 16 A. Yes.  
 17 Q. How long did you spend at that camp?  
 18 A. From November '45 to March 1947.  
 19 Q. What was life like at the camp?  
 20 A. Miserable. One word. We were seven men in a  
 21 room and the food was on a meal ticket.  
 22 Q. Did you receive news from elsewhere in the  
 23 world? Did you receive news from Europe or from the  
 24 United States?  
 25 A. Very little, very little. There was no

1 Q. How long were you there?  
 2 A. Only about a month.  
 3 Q. And who was in charge of that move? Was it  
 4 the U.S., United States?  
 5 A. The United States with UNRO.  
 6 Q. Did you have a choice on whether or not to go  
 7 to Pren?  
 8 A. No. You want to -- eventually you are hoping  
 9 to come to the United States.  
 10 Q. What happened -- what happened next? Where  
 11 did you go next?  
 12 A. To the United States.  
 13 Q. Where, in the United States?  
 14 A. Where we arrived?  
 15 Q. Yes.  
 16 A. Pier 5 in New York.  
 17 Q. Where did you go when you arrived?  
 18 A. An aunt. I went to my aunt.  
 19 Q. Where was your aunt living?  
 20 A. Well, she passed away now, but she lived in  
 21 Brooklyn, 193 Hooper Street.  
 22 Q. Was -- your aunt was an American citizen; is  
 23 that right?  
 24 A. Yes.  
 25 Q. How -- did you live with your aunt then?

1 A. Yes.  
 2 Q. For how long?  
 3 A. About a year.  
 4 Q. How long had your aunt been in the United  
 5 States?  
 6 A. Oh, I think she came after the First World  
 7 War.  
 8 Q. What did she do here?  
 9 A. Her husband was a tailor.  
 10 Q. Where did you go after leaving your aunt's  
 11 house?  
 12 A. I went to West Warwick, Rhode Island. I had  
 13 an uncle there.  
 14 Q. Had your uncle been here before the war?  
 15 A. Before the war, yes.  
 16 Q. He was an American citizen?  
 17 A. Yes.  
 18 Q. What did he do?  
 19 A. He worked as a bookkeeper.  
 20 Q. Did you go and live with your uncle?  
 21 A. Yes.  
 22 Q. For how long?  
 23 A. One year.  
 24 Q. What did you do during that time?  
 25 A. I worked in a clothing factory.

1 Q. A year. And then another year in Rhode  
 2 Island?  
 3 A. Yeah.  
 4 Q. Are we then in 1949?  
 5 A. '49, yeah.  
 6 Q. 1949. How long did you live in Clifton, New  
 7 Jersey?  
 8 A. The rest of '49.  
 9 Q. Okay. Then where did you go, sir?  
 10 A. Miami.  
 11 Q. What brought you to Miami?  
 12 A. What part?  
 13 Q. What brought you to Miami?  
 14 A. Oh, oh. Honeymoon.  
 15 Q. Where did you meet your wife?  
 16 A. Oh, that's a long story.  
 17 Q. Where?  
 18 A. In Czechoslovakia.  
 19 Q. Did she come with you from the --  
 20 A. No.  
 21 Q. -- camp? Okay. You met up again in the  
 22 United States?  
 23 A. We met up again, yes.  
 24 Q. During this time that you were in the United  
 25 States right after the war, when you were in Brooklyn.

1 Q. When you came to the United States, sir, you  
 2 came by yourself; is that right?  
 3 A. Yes --  
 4 Q. Without other family members?  
 5 What did you do after you left your uncle's  
 6 house?  
 7 A. Went to New Jersey.  
 8 Q. Where, in New Jersey?  
 9 A. Clifton.  
 10 Q. What did you do there?  
 11 A. Worked in a clothing factory.  
 12 Q. With whom did you live?  
 13 A. There I lived with a cousin for awhile. Then  
 14 I took a room, lived on my own.  
 15 Q. Do you remember what year this is now?  
 16 A. Oh, yeah. End of '48.  
 17 Q. End of 1948. I just want to go over the  
 18 dates, sir. You came over to the United States in March  
 19 of 19 -- no. April of 1947?  
 20 A. March. March 14th, 1947.  
 21 Q. Okay. Is that the day you arrived?  
 22 A. Yes.  
 23 Q. Then you spent a year with your -- how long  
 24 did you live with your aunt in Brooklyn?  
 25 A. About a year.

1 and Rhode Island and New Jersey, were you in contact  
 2 with anyone in Europe?  
 3 A. For awhile in the displaced person camp, yeah,  
 4 friends that didn't come out yet.  
 5 Q. Friends that you had met at the displaced --  
 6 A. Yeah.  
 7 Q. What kind of contact was that? Was it  
 8 letters?  
 9 A. Letters, yeah. That's why it wasn't that  
 10 often.  
 11 Q. What were you hearing from them in the  
 12 letters?  
 13 A. Just how anxious they were to get someplace.  
 14 Q. Anything about the political situation there?  
 15 A. No.  
 16 Q. Mostly about themselves?  
 17 A. Yes.  
 18 Q. So you moved to Miami in what month?  
 19 A. December the 3rd, 1950.  
 20 Q. With your wife; is that right?  
 21 A. Yes.  
 22 Q. What did you do when you arrived here, sir?  
 23 A. In Miami?  
 24 Q. Yes.  
 25 A. I worked in a dry cleaner.

1 Q. How long did you do that?  
 2 A. For 21 years.  
 3 Q. And what did you do after that?  
 4 A. I went in business for myself.  
 5 Q. So you -- you bought a dry cleaning?  
 6 A. I start --  
 7 Q. You opened it?  
 8 A. Opened one.  
 9 Q. Opened a dry cleaning?  
 10 A. Yes.  
 11 Q. How long did you own your store, sir?  
 12 A. I opened in 1970 and sold that, open another  
 13 one. About three years ago I retired.  
 14 Q. Got it.  
 15 A. Three, four years ago.  
 16 Q. In your life in Miami for the last 50 years --  
 17 53 years, have you been a member of the Jewish community  
 18 here?  
 19 A. Oh, yeah.  
 20 Q. What sort of things do you do?  
 21 A. What sort of things I do in the community?  
 22 Q. Yes.  
 23 A. Well, I was president from the local survivors  
 24 of Miami. Then I became president of the State of  
 25 Florida, the Coalition of Holocaust survivors; Vice

1 A. Yes.  
 2 Q. Approximately how many years?  
 3 A. Four.  
 4 Q. You said you were president of the Florida  
 5 chapter -- I am sorry, the Florida Survivors --  
 6 A. Coalition.  
 7 Q. -- Coalition. For how long have you been --  
 8 were you president or have you been president of the  
 9 state organization?  
 10 A. For the past three -- this is the fourth year.  
 11 Q. This is the fourth year. Were you members of  
 12 those two organizations before you became president?  
 13 A. I was a member of the first.  
 14 Q. When did you become a member of the first?  
 15 A. In the middle '50s.  
 16 Q. What does -- what sorts of things does that --  
 17 does the local chapter do?  
 18 A. Well, we started not so much as a chapter like  
 19 you know. We started because we didn't have nobody. So  
 20 we found and met each other. So when there was any  
 21 occasion, we invited our friends. And we made some  
 22 money, and we helped our own people if they needed help.  
 23 Nobody went to welfare -- on welfare.  
 24 Q. Is there a National Survivors Organization?  
 25 A. Yes.

1 president to the national organization; and the board of  
 2 the Jewish Social Services; and advisory board to the  
 3 Jewish Family Service.  
 4 Q. When were you president of the local  
 5 survivors?  
 6 A. For -- Oh.  
 7 Q. Approximately.  
 8 A. About eight years ago.  
 9 Q. For how long was your term?  
 10 MR. DUBBIN: Well, let -- can I make sure --  
 11 why don't you rephrase the question because I am not  
 12 sure -- she said the local surviv-- president of the  
 13 local survivors.  
 14 THE WITNESS: Miami chapter.  
 15 MR. DUBBIN: Right.  
 16 MS. MCKEE: Yes.  
 17 THE WITNESS: Miami branch.  
 18 MR. DUBBIN: Okay. I am sorry.  
 19 MS. MCKEE: Thank you.  
 20 BY MS. MCKEE:  
 21 Q. When were you president of the local survivors  
 22 Miami branch?  
 23 A. Well, I am still president, even though we  
 24 are -- survivors dwindled away.  
 25 Q. Have you been president for a number of years?

1 Q. Was that up and running in the 1950's?  
 2 A. No, no.  
 3 Q. When did that one start?  
 4 A. That's only about three, four years?  
 5 Q. Three or four years ago?  
 6 A. Yeah.  
 7 Q. What about the state organization, when did  
 8 that start?  
 9 A. Also about five years ago.  
 10 Q. When you were a member of the local  
 11 organization did you get news from overseas at all about  
 12 things that were going on in Czechoslovakia?  
 13 A. Well, we talked about it, yeah.  
 14 Q. Were there any publications that came out of  
 15 this chapter, this group?  
 16 A. Not from that group.  
 17 Q. Did you, during this time from -- at any  
 18 period between 1950 and today, have you read survivor  
 19 publications of some -- any kind?  
 20 A. Yes.  
 21 Q. What are those publications?  
 22 A. The American Gathering.  
 23 Q. And when did you read that?  
 24 A. I think it was coming out quarterly.  
 25 Q. Was that coming out in the 1950s?

1 A. I can't tell you what year it started to come  
2 out.

3 Q. Approximately?

4 A. Wasn't '50, no, not in '50.

5 Q. A decade? '60s or '70s?

6 A. Probably -- yeah.

7 Q. What sort of -- what news was in that or what  
8 type of material was in that publication?

9 A. Well, an interest of the survivors.

10 Q. Where was that published; do you know?

11 A. New York.

12 Q. New York. Anything -- did you read any other  
13 publications, survivor publications?

14 A. Not survivor publications at that time, no.

15 Q. Any other publications about the Holocaust?

16 A. Well, the papers had it always.

17 Q. The newspapers?

18 A. Yeah.

19 Q. What newspapers do you read?

20 A. The Miami Herald, the local Jewish Journal and  
21 occasionally the New York paper.

22 Q. Are those the same publications you have been  
23 reading over your 50 years?

24 A. Yes.

25 Q. So when you were here -- first arrived in

1 Q. What other sorts of organizations do you  
2 belong to in Miami?

3 A. That's all.

4 Q. Okay. Sir, returning to the time when you  
5 were living in Czechoslovakia during the war was there a  
6 time when your family's belongings were taken from you?

7 A. What, specifically, or when, how do you mean  
8 it?

9 Q. As I understand, you were living in a house  
10 with your family members --

11 A. Yes.

12 Q. -- in Czechoslovakia during the war. At  
13 some -- at any point did someone come and ask for your  
14 belongings?

15 A. Not during Czechoslovakia time, no.

16 MR. DUBBIN: Can we -- you want to -- I mean  
17 the complaint alleges that where he was living in  
18 Czechoslovakia became part of Greater Hungary in  
19 1939 and that's --

20 THE WITNESS: Oh, yeah. That's why --

21 MR. DUBBIN: You didn't ask that question.

22 MS. McKEE: That's the confusion. Okay.

23 MR. DUBBIN: So I think that's the -- that's  
24 the confusion.

25 MS. McKEE: Okay.

1 Miami in the '50s and '60s, were you -- where were you  
2 getting your news about what was going on in Europe?

3 A. Well, the Miami Herald, and there is a Jewish  
4 radio an hour or so a week.

5 Q. I am sorry, sir?

6 A. The Miami Herald, and there is a Jewish radio  
7 program once a week.

8 Q. Do you remember -- is that radio program still  
9 running?

10 A. Not that particular one but there is another  
11 one.

12 Q. Okay. What's the name of the current one, if  
13 you know?

14 A. Let's see. Danny Tadmore is the host but the  
15 name of the program is --

16 Q. Don't worry, sir. Do you remember the host or  
17 anything about the earlier one?

18 A. No.

19 Q. Do you belong to a temple here?

20 A. Yes.

21 Q. Have you belonged to the same temple for the  
22 last 50 years -- 53 years?

23 A. Not 53. I joined the temple in 1953.

24 Q. What temple is that?

25 A. Zion.

1 BY MS. McKEE:

2 Q. Sir, when you were living in your house in  
3 Czechoslovakia, when then became Hungary, at some point  
4 did your -- did someone come and take your -- ask or  
5 take your belongings from you?

6 A. Well, I don't know how you -- belongings.  
7 They took half of the house, took the business away.

8 Q. -- who took the house?

9 A. Two Hungarian gendarme, equal to police, and a  
10 German officer.

11 Q. Did they physically remove belongings from  
12 inside the house?

13 A. Yes.

14 Q. Did you witness that, sir?

15 A. Yes.

16 Q. Did they take things from your father's  
17 business?

18 A. Not -- not from the business, itself, but  
19 there was --

20 Q. Okay. What was taken when the officers, the  
21 Hungarian officers -- when the gendarme came to the  
22 house? Do you remember what they took?

23 A. Yes.

24 Q. What was that?

25 A. They took -- there was a cabinet with a



1 dowery, all the fancy linen table cloths, chandeliers.  
 2 Q. Anything else?  
 3 A. Well, they took something but I didn't see the  
 4 jewelry; a handful.  
 5 Q. Okay. Did they leave anything in the house?  
 6 A. Yes.  
 7 Q. What did they leave?  
 8 A. Well, in the rest of the house we had the  
 9 sewing machine, we had the crystal, we had stuff that  
 10 was handed down from generation to generation.  
 11 Q. Okay. Did they come more than once to your  
 12 house to take property?  
 13 A. Yes.  
 14 Q. Did they give you or your parents a receipt of  
 15 any kind for the property they took?  
 16 A. I saw him gave a paper, but I didn't see what  
 17 was written on it.  
 18 Q. Could you repeat that, sir?  
 19 A. They gave a piece of paper but I couldn't see  
 20 what it was written on it.  
 21 Q. You personally didn't see it; is that right?  
 22 A. I saw the paper they left but I didn't --  
 23 Q. Is that because your parents had the piece of  
 24 paper?  
 25 A. (Witness nods head).

1 as they took it away?  
 2 A. Tied it up in like a sheet or something.  
 3 Q. Did your parents put their names on the  
 4 property?  
 5 A. No.  
 6 Q. Was there any other identifying mark on the  
 7 property?  
 8 A. No. It was all handmade.  
 9 Q. Did you or your family give any property to  
 10 the neighbors at this time?  
 11 A. No.  
 12 Q. Did you hide -- did you or your family hide  
 13 any property in the residence?  
 14 A. My father -- my father did hide something. I  
 15 saw him go up to that more than once. One time I saw  
 16 him with papers, which I assumed it was some of the  
 17 papers that he had that he took them to the United  
 18 States.  
 19 Q. Where did he hide those?  
 20 A. In the attic.  
 21 Q. In the attic?  
 22 A. (Witness nods head).  
 23 Q. Did you see him hide anything else?  
 24 A. He went up a few times but --  
 25 Q. Do you remember what he was hiding?

1 MR. DUBBIN: Why don't you make sure you  
 2 answer verbally; not with a nod but with a statement  
 3 yes, okay?  
 4 THE WITNESS: Oh.  
 5 MR. DUBBIN: And can you tell whether his  
 6 voice is coming across?  
 7 THE VIDEOGRAPHER: I am hearing him clearly.  
 8 I have his microphone kicked up just a tad.  
 9 THE WITNESS: I will answer clear.  
 10 BY MS. MCKEE:  
 11 Q. At any point did your parents take property to  
 12 turn it over to the government?  
 13 A. No.  
 14 Q. How many times did the gendarme come to your  
 15 house to take property?  
 16 A. Once.  
 17 Q. If you remember, sir, when the gendarme came  
 18 to your house did they choose what to take or did your  
 19 parents give them certain things?  
 20 A. No. When they opened up that closet they --  
 21 they saw there what they wanted, not -- they saw the  
 22 stuff and they took what they wanted to take.  
 23 Q. They just took what they wanted to take?  
 24 A. Yeah.  
 25 Q. Do you remember how they packaged the property?

1 A. No.  
 2 Q. Do you know anything else that he was hiding?  
 3 A. No.  
 4 Q. When you and your family left that house and  
 5 moved to the ghetto, did you take any property with you?  
 6 A. No property, just what you could carry. They  
 7 only gave us an hour to pack.  
 8 Q. Sir, the property that was taken by the  
 9 gendarme, have you seen any of that property since that  
 10 day?  
 11 A. No.  
 12 Q. When you returned to the house after the war  
 13 what did you find?  
 14 A. Nothing in the rooms.  
 15 Q. So there was nothing -- the property that had  
 16 been left by the gendarme was then gone?  
 17 A. No. It was gone, yes.  
 18 Q. It was gone, yes. Okay.  
 19 After the war did you make any efforts to find  
 20 the property, either that was taken by the gendarme or  
 21 the property that was left in the house and then  
 22 disappeared?  
 23 A. I am sorry?  
 24 Q. That was a complicated question. I will --  
 25 A. Well, I wasn't sure if you -- how you mean it.

1 Q. I will start again. After the war did you  
2 make any efforts to track down the property that the  
3 gendarme had taken from your family?  
4 A. Yes.  
5 Q. What did you do?  
6 A. By asking the people.  
7 Q. Which people?  
8 A. The neighbors.  
9 Q. Were there non -- did you have non Jewish  
10 neighbors?  
11 A. Yes.  
12 Q. And those neighbors had been there throughout  
13 the war?  
14 A. Yes.  
15 Q. What did the neighbors say?  
16 A. They took it away.  
17 Q. When they said --  
18 A. The Hungarian and the Germans.  
19 Q. Did you make any other efforts to find the  
20 property?  
21 A. No.  
22 Q. When you were in the displaced persons camp  
23 did you ask any officials about the property?  
24 A. Officials?  
25 Q. Did you ask the people running the camp about

1 A. No.  
2 Q. And did you ever contact anyone in the United  
3 States Government to track down -- to ask about the  
4 property?  
5 A. No.  
6 Q. Sir, have you ever seen notices about ways to  
7 file claims for property lost during the war?  
8 A. Did I see what?  
9 Q. A notice or an explanation of how to file a  
10 claim to get property lost in the war back?  
11 A. No.  
12 Q. Do you and your family members here, did you  
13 talk about the lost property over the years?  
14 A. Yes.  
15 Q. What kind of things do you say?  
16 A. Well, that we didn't really know what happened  
17 to the items that they took from us, the gold.  
18 Q. Did you have any idea at any point what  
19 happened to it after the gendarme took it?  
20 A. We knew that --  
21 MS. McKEE: That's a --  
22 MR. DUBBIN: Pretty open-ended question.  
23 MS. McKEE: Very.  
24 MR. DUBBIN: Vague. Maybe you could clarify  
25 "at any time."

1 the property?  
2 A. No.  
3 Q. When you were at the displaced persons camp  
4 did you ever ask a U. S. Army soldier about the  
5 property?  
6 A. No. We weren't in touch with them.  
7 Q. Okay. When you came to the United States in  
8 the late '40s did you make any efforts at that time to  
9 find or track down the whereabouts of the property?  
10 A. Well, we talked about it but nobody knew how,  
11 what to do.  
12 Q. When you say we talked about it --  
13 A. -Survivors.  
14 Q. The survivors together talked about it?  
15 A. Yeah.  
16 Q. And since that time, since -- until you filed  
17 this lawsuit, what other efforts, if any, did you make  
18 to track down the property?  
19 A. What other efforts? How do you mean?  
20 Q. Did you ever contact the Czechoslovakian  
21 government?  
22 A. Well, it was -- there was no more  
23 Czechoslovakia government as far as we were concerned.  
24 We were not part of Czechoslovakia no more, either.  
25 Q. Did you ever contact the Hungarian government?

1 MS. McKEE: I am happy to.  
2 BY MS. McKEE:  
3 Q. Before the late 1990s -- in the 1950's did  
4 you -- what did you think had happened to the property?  
5 A. Well, we knew the Hungarian government got it  
6 because the police or national -- not local police, like  
7 here.  
8 Q. Did you know anything about what the  
9 government did with the property after they took it?  
10 A. No.  
11 Q. Other than your family members and other  
12 survivors have you spoken to anybody else about the  
13 property over the years?  
14 A. When you say over the years --  
15 MR. DUBBIN: Again, you are -- maybe you could  
16 clarify that for specificity since that encompasses  
17 a long period of time, including after the suit.  
18 BY MS. McKEE:  
19 Q. During the 19 -- before -- I will rephrase  
20 that question.  
21 Other than your family members and other  
22 survivors, in the 1950s did you talk about the property  
23 with anyone else?  
24 A. No.  
25 Q. In the 1960's did you talk with the property

1 about anyone -- with anyone else other than family  
 2 members and other survivors?"  
 3 A. No.  
 4 Q. What about in the 1970s?  
 5 A. No.  
 6 Q. In the 1980s?  
 7 A. No.  
 8 Q. Then in the 1990s you have been speaking with  
 9 other people; is that correct?  
 10 A. In late 1990s.  
 11 Q. With whom have you spoken about the property?  
 12 A. Well, 1999 you mean? Then we started to try  
 13 to find out how we could go about finding out -- after  
 14 the commission, you mean?  
 15 Q. Whenever, sir, you first learned about or  
 16 started talking about this property again with --  
 17 A. After.  
 18 Q. -- people out -- other than survivors?  
 19 A. 1999, I think after the -- President Clinton  
 20 appointed the commission and they came out with that  
 21 report then.  
 22 Q. In the years after the war, sir, did you know  
 23 that some Jewish property had been sold at auction in  
 24 New York?  
 25 A. Some art, yes.

1 A. Came from Hungarian Jews that came from  
 2 Budapest.  
 3 Q. Did you learn that from -- where did you --  
 4 where did you learn that? Did you speak to those  
 5 people?  
 6 A. Well, we were talking between ourselves, so it  
 7 came down.  
 8 Q. Just to clarify, so you learned in the 1970s  
 9 or '80s by speaking to Hungarian survivors that there  
 10 had been a train found in Austria that may have had  
 11 Jewish property on it?  
 12 MR. DUBBIN: I object. That's not what his  
 13 testimony was.  
 14 MS. McKEE: Okay.  
 15 MR. DUBBIN: Maybe you -- mischaracterizes the  
 16 question.  
 17 BY MS. McKEE:  
 18 Q. Okay. Sir, what did you learn in the 1970s  
 19 from other -- from Hungarian survivors?  
 20 A. That the gold --  
 21 MR. DUBBIN: Again, you know, his testimony  
 22 was it was -- he wasn't quite specific on the decade  
 23 that he heard it.  
 24 MS. McKEE: Okay.  
 25 BY MS. McKEE:

1 Q. What did you know about that auction?  
 2 A. Just read in the paper that some of the art  
 3 was in the museum or it was sold.  
 4 Q. What was your understanding of where that art  
 5 came from?  
 6 A. It was stolen from the Jews.  
 7 Q. Did you have -- did the gendarme take any art  
 8 from your house?  
 9 A. No.  
 10 Q. Did you learn anything else about that auction  
 11 in New York when you were --  
 12 A. No.  
 13 Q. -- living there?  
 14 A. No.  
 15 Q. Sir, when did you first hear that a Hungarian  
 16 train had been located in Austria with Jewish property  
 17 on it?  
 18 A. Well, there was talk about it, that when the  
 19 Russians were approaching, that the Hungarian government  
 20 shipped it to Austria.  
 21 Q. When was that talk?  
 22 A. What year? I can't remember what year.  
 23 Q. Can you tell me a decade?  
 24 A. Must have been in the '70s, '80s.  
 25 Q. Where did you -- where did that talk happen?

1 Q. What did you learn in either the '70s or the  
 2 '80s from Hungarian survivors?  
 3 A. That gold, art, carpets all the stuff that  
 4 they took away from the Jews were loaded on a train and  
 5 shipped to Austria.  
 6 Q. Did you ever think that your family's property  
 7 might have been on that train?  
 8 A. Yes.  
 9 Q. Okay. Did you think that in the 1970s or  
 10 '80s, at the time that you heard about the -- first  
 11 heard about the train?  
 12 A. Yes.  
 13 Q. What else did you learn during those  
 14 discussions during the 1970s or '80s?  
 15 A. About the gold train?  
 16 Q. Yes.  
 17 A. That's all, that there was stuff on there, box  
 18 with names, addresses.  
 19 Q. Did you learn at that time that the U. S. Army  
 20 had taken custody of the train?  
 21 A. Not at that time, no.  
 22 Q. What did you learn about the contents of the  
 23 train at that time?  
 24 MR. DUBBIN: I believe he answered the  
 25 question but -- so I object. that it's been asked

1 and answered.

2 BY MS. McKEE:

3 Q. Did you learn anything in addition to what you

4 have already said?

5 A. No.

6 Q. What other discussions were you having with

7 other -- with Hungarian survivors during the 1970s and

8 '80s about Hungarian Jewish property taken during the

9 war?

10 A. What other conversations? No other

11 conversations.

12 Q. So that the --

13 A. Basically, there was a --

14 Q. -- primary focus -- the primary focus then was

15 about the gold train?

16 A. The gold train.

17 Q. When did you first learn that the U. S. Army

18 had taken custody of the train?

19 MR. DUBBIN: And I believe he's answered that

20 had question already but you are free to answer.

21 THE WITNESS: 1999 when -- after the --

22 President Clinton's commissioner came out with it.

23 BY MS. McKEE:

24 Q. After the commission came out with what?

25 A. The report of what happened to the properties

1 A. Some of it was taken by the officers, some of

2 it was auctioned, and some of it -- still don't know.

3 Q. Is there anything else that you think the army

4 did wrong?

5 A. Yes.

6 Q. What?

7 A. By not returning it to the -- at that time, to

8 the Hungarian government or the Jewish Agency.

9 Q. By Jewish agency, what do you mean?

10 A. In Budapest.

11 Q. Is the Jewish -- by the Jewish agency, do you

12 mean -- do you mean an international Jewish

13 organization?

14 A. No. The Hungarian.

15 Q. The Hungarian Jewish --

16 A. In Budapest.

17 Q. -- Agency?

18 A. Yeah.

19 Q. What is that organization?

20 A. Well, it would be, I guess, similar to the

21 Jewish Congress in the United States.

22 Q. And that was a Hungarian local Jewish group?

23 A. Yeah.

24 Q. Do you know if that group asked for the

25 property?

1 that the United States Government took under control.

2 Q. Where did you first read that report?

3 A. The Herald.

4 Q. I am sorry?

5 A. In the Herald.

6 Q. Are you aware, sir, that there was an interim

7 report by that commission and a final report?

8 A. No.

9 Q. Do you remember -- strike that. What did you

10 do, sir, upon reading that report?

11 A. Well, first we were talking between ourselves

12 how -- what we could do.

13 Q. And by "among ourselves," you mean?

14 A. Survivors.

15 Q. Then what did you do?

16 A. Then we got in touch with Mr. Dubbin.

17 Q. Sir, why do you feel that the U.S. -- strike

18 that. Do you believe that the U. S. Army did something

19 wrong with the property on the train?

20 A. Yes.

21 Q. What do you believe they did wrong?

22 A. Well, when they took control over it, and what

23 happened to it?

24 Q. What do you understand that the U. S. Army did

25 with the property?

1 A. Yes.

2 Q. They did ask for the property?

3 A. They did.

4 Q. Is there anything else that you think that the

5 U.S. Army did wrong with regard to the property on the

6 train?

7 A. Besides what I mentioned?

8 Q. Besides what you mentioned.

9 A. No, I don't think.

10 Q. Sir, have you read anything or -- strike that.

11 What have you read that's been written about the gold

12 train?

13 A. That some of it was taken by the officers,

14 some of it was shipped home, some was auctioned off.

15 Q. Where did you read that?

16 A. In the paper.

17 Q. In the Miami Herald?

18 A. Yes.

19 Q. Anywhere else?

20 A. From Mr. Dubbin.

21 Q. Have you read anything else about the gold

22 train, other than what was written in the Miami Herald

23 or that was provided to you by Mr. Dubbin?

24 A. No.

25 Q. Have you ever met with a historian of this

1 period?

2 A. No.

3 Q. Sir, do you believe that the U. S. Army could  
4 have returned your family's property to you  
5 individually?

6 A. Individually. Could have made an effort, yes.

7 Q. Do you believe that that effort would have  
8 been successful?

9 MR. DUBBIN: Object. I think it's  
10 argumentative.

11 MS. McKEE: I think it's what?

12 MR. DUBBIN: Argumentative.

13 BY MS. McKEE:

14 Q. Do you believe that the Army could have looked  
15 at your family's property and connected it to you  
16 personally?

17 A. Yes.

18 Q. Why?

19 A. Because when -- when the police finds stolen  
20 property, they show it and see if people could identify  
21 it.

22 Q. Is there any way -- other way that the U. S.  
23 Army could have connected the -- any property they found  
24 of your family's to you?

25 MR. DUBBIN: I object because it calls for the

1 was sold in New York from the gold train?

2 A. I looked at it, yes.

3 Q. Did you recognize any of your family's  
4 property on that list?

5 A. The way those pictures are, it's very  
6 difficult.

7 Q. Is that -- is that a no?

8 A. In what sense do you mean?

9 Q. Did you recognize any of that property -- any  
10 of your family's property in that auction book?

11 A. No.

12 Excuse me. Can we take a two-minute break?

13 MS. McKEE: Absolutely. I am happy to take a  
14 break.

15 THE VIDEOGRAPHER: Going off the video record.

16 The time is 10:24 a.m.

17 (Short break taken)

18 THE VIDEOGRAPHER: We are back on the video  
19 record. The time is 10:34 a.m.

20 BY MS. McKEE:

21 Q. We are back from the break, Mr. Mermelstein.  
22 How are you?

23 A. Okay.

24 Q. Good. Are you aware, sir, that, the U. S.  
25 Army was in Austria after the war?

1 witness to speculate about what the army could have  
2 done.

3 BY MS. McKEE:

4 Q. If you could answer the question.

5 MR. DUBBIN: You are allowed answer the  
6 question.

7 THE WITNESS: They could have, yes, by  
8 advertising, publicizing.

9 BY MS. McKEE:

10 Q. So what do you know about the property that  
11 was actually on the train at the time the United States  
12 Army took control of it at the end of the war?

13 A. What items or what kind of stuff?

14 Q. Yes.

15 A. Well, everything that they took away from  
16 homes, from in the ghetto, all the gold that was  
17 collected, everything was on that train.

18 Q. Do you believe that your family's property was  
19 on that train?

20 A. Yes.

21 Q. Why?

22 A. Because the gold, number one, and all the  
23 fancy linen and all that stuff, because that was listed  
24 as on the train.

25 Q. Have you reviewed the auction lists of what

1 A. Yes. Yes.

2 Q. Do you believe, sir, that the U. S. Army -- do  
3 you -- strike that. Do you understand that the U. S.  
4 Army sometimes used enemy property to provision their  
5 troops at that time?

6 A. No.

7 Q. If they had used property that they found in  
8 Europe at the time, enemy property, do you believe that  
9 the U. S. Army would have been able to do so  
10 appropriately?

11 MR. DUBBIN: Let me object. First of all, you  
12 are calling for speculation. Second of all, I  
13 believe you are asking him for a legal conclusion.

14 BY MS. McKEE:

15 Q. If you could answer, sir.

16 A. Let me get that.

17 MR. DUBBIN: You want to have the court  
18 reporter read the question back.

19 But I also object that it's a compound  
20 question.

21 MS. McKEE: Let me rephrase the question.

22 BY MS. McKEE:

23 Q. Do you believe that the United States Army  
24 could have used German property at that time to supply  
25 their troops after the war?

1 MR. DUBBIN: Objection. It calls for a legal  
2 conclusion.  
3 THE WITNESS: If they could use German  
4 property? Yes.  
5 BY MS. McKEE:  
6 Q. Do you believe that the U. S. Army could have  
7 used Hungarian property at -- to supply the troops after  
8 the war?  
9 A. No.  
10 MR. DUBBIN: Again, I object. Calls for a  
11 legal conclusion. But you can answer.  
12 THE WITNESS: No.  
13 BY MS. McKEE:  
14 Q. Why? Why the difference between German  
15 property and Hungarian property?  
16 A. The difference between the two of them is that  
17 the German property was taken from -- most likely from  
18 occupied territory and the Hungarian property was stolen  
19 or taken away from the Jews.  
20 Q. Was Hungary occupied territory during the war?  
21 MR. DUBBIN: Again, I object to the request  
22 for a legal conclusion. He's not an expert on  
23 history but you can answer the question.  
24 THE WITNESS: Was Hungary -- I don't know how  
25 you mean -- what you mean exactly.

1 Q. To your knowledge, did the United States say  
2 anything affirmative about the property that was wrong?  
3 A. I don't -- I don't know what you mean.  
4 Q. I will rephrase the question. Before 1999,  
5 did the United States say anything about the property,  
6 that you know of, that was wrong?  
7 MR. DUBBIN: Okay. Let me object because you  
8 are asking him that information that he says  
9 nobody -- that nobody gave him at the time, and that  
10 these allegations are well spelled out in the  
11 complaint, a matter of history.  
12 BY MS. McKEE:  
13 Q. If you could answer, sir.  
14 A. Did they --  
15 Q. Do you know of any statement that the United  
16 States made that was incorrect prior to 1999?  
17 A. No.  
18 Q. Sir, do you feel that the Hungarian  
19 government, after the war, misled you in any way with  
20 regard to this property?  
21 A. No.  
22 Q. Do you believe that any Jewish organization  
23 misled you with regard to this property?  
24 A. No.  
25 Q. Do you believe that anyone else, other than

1 BY MS. McKEE:  
2 Q. I am going to withdraw the question.  
3 MR. DUBBIN: I am going to move to strike the  
4 last answer. If I didn't object, then I am moving  
5 to strike. I think I objected but I don't remember.  
6 BY MS. McKEE:  
7 Q. Sir, do you feel that the United States has  
8 made misrepresentations to you about the gold train?  
9 A. Yes.  
10 Q. What are those misrepresentations?  
11 A. When they took the property, until the  
12 President's commission came out we didn't know, and it  
13 was hidden from us. They didn't tell us the truth.  
14 Q. What didn't they tell you?  
15 A. What happened with the property once they got  
16 control over it.  
17 Q. At any time, sir, before 1999 did you make a  
18 request for information about the property to the U.S.  
19 Government?  
20 A. No.  
21 Q. So the misrepresentation, as I understand your  
22 testimony, is that the United States didn't say anything  
23 about the property; is that correct?  
24 A. Well, they had the information. They never  
25 shared it with anybody.

1 the United States, misled you with regard to this  
2 property?  
3 A. No.  
4 Q. Sir, I want to turn to the specific claims in  
5 the lawsuit that you have brought. I know you have done  
6 this -- you have spoken generally about the property  
7 that was taken from your parents' house. Can you list  
8 for me the property for which you are making a claim in  
9 this lawsuit?  
10 A. You want me to --  
11 Q. As best you can, I want you to list the items  
12 of property as to the best of your knowledge.  
13 A. How many pieces of -- what do you call it, the  
14 china -- not china, glassware, crystals?  
15 Q. Whatever you remember, to the best of your  
16 knowledge, I would like that, sir.  
17 A. One cabinet of crystals.  
18 Q. By crystals do you mean glassware, stemware?  
19 A. Yes. White-colored.  
20 Q. Anything else?  
21 A. Sewing machine, china.  
22 Q. What sort of china, table china?  
23 A. Yeah. Stuff that we didn't use that was  
24 (indicating) put away.  
25 Q. Display china?

1 A. Well, it was sets, but it wasn't used every  
2 day.  
3 Q. The special china.  
4 A. Yes.  
5 Q. Was there one set of that china?  
6 A. Two different colors.  
7 Q. Two different sets?  
8 A. Yeah.  
9 Q. Anything else?  
10 A. There was so much stuff in the house.  
11 Silverware.  
12 Q. Was that silverware made of silver, of actual  
13 silver?  
14 A. Yes. There were -- not the daily but we had,  
15 as observant Jews, have two sets --  
16 Q. Yes.  
17 A. -- so that -- and there was a set for  
18 Passover.  
19 Q. Okay. Anything else?  
20 A. I had it out of my mind now.  
21 Q. Take your time.  
22 A. It's -- those special quilts, type, red satin  
23 on one side and white underneath.  
24 Q. Anything else?  
25 A. Right now I --

1 A. No.  
2 Q. You are not claiming any jewelry of any kind?  
3 Jewelry?  
4 A. Jewelry, yes.  
5 Q. What jewelry are you claiming?  
6 A. Well, specifically, what I know --  
7 Q. Yes.  
8 A. -- the gold rings.  
9 Q. I am sorry. Gold rings?  
10 A. Gold rings.  
11 Q. How many gold rings?  
12 A. One, two -- four. And two gold watches. My  
13 mother's necklace.  
14 Q. What did that necklace look like?  
15 A. It was gold. That's all. My grandmother's.  
16 That was in the closet, and they took a bunch that I --  
17 at that age --  
18 Q. Your grandmother's necklace, was that?  
19 A. Yeah. Another few pieces but --  
20 Q. Were there any diamonds that you remember?  
21 A. Yeah. Two.  
22 Q. Any other stones?  
23 A. Two was my grandmother's. My mother had a  
24 diamond ring, yeah.  
25 Q. Other than what we have mentioned here, is

1 Q. In the complaint, sir, you mentioned Kiddish  
2 cups?  
3 A. Oh, yeah. That was silver. Yeah.  
4 Q. How many kiddish cups?  
5 A. There were four sets.  
6 Q. Those were made of silver?  
7 A. Yeah.  
8 Q. Also in the complaint you mention silver  
9 candelabra?  
10 A. Yes.  
11 Q. How many silver candelabra?  
12 A. Well, as you know, in a Jewish home Friday  
13 night everybody lights a candle. So it was my mother,  
14 and my aunt, and my grandmother, and one extra set  
15 from -- probably they were handed down. The last one in  
16 the house wound up with everything that was there.  
17 Q. Do you remember any other property that you're  
18 claiming in this lawsuit?  
19 A. Right now I don't know.  
20 Q. That's all you can remember today, sir?  
21 A. Yeah.  
22 Q. You're not claiming any art; is that correct?  
23 A. No.  
24 Q. You are not claiming any rugs; is that  
25 correct?

1 there anything else that you are claiming in this  
2 lawsuit?  
3 A. All the fine linen.  
4 Q. What kinds of linens?  
5 A. All handmade. It was a dowery.  
6 Q. Were they table linens?  
7 A. Table linens, pillow slips, crocheted like.  
8 Q. Is there anything else?  
9 A. Oh, I don't know. Down covers. Not quilts,  
10 heavier than quilts, from down.  
11 Q. Down comforters?  
12 A. Yeah.  
13 Q. Is there anything else that you are claiming,  
14 sir?  
15 A. It's hard to think.  
16 Q. No. Take your time. We have time.  
17 A. Oh, the books over there.  
18 Q. What kind of books?  
19 A. Two kinds. One wall of religious books,  
20 because that was handed down from generation to  
21 generation. And regular books, history books and --  
22 Q. Is there anything else, sir?  
23 A. There were a few old stuff, like antique. I  
24 remember they used to crush the stuff, what you call it,  
25 the --

1 MR. DUBBIN: Mortar and pestle?  
 2 THE WITNESS: One of those, yeah. A hand iron  
 3 that -- used to put coals in it, which we didn't use  
 4 it lately.  
 5 BY MS. MCKEE:  
 6 Q. What was that made of?  
 7 A. Iron.  
 8 Q. Iron. Was there anything else, sir?  
 9 A. I am trying to go through room by room. Right  
 10 now that's all I could think.  
 11 Q. Returning to the crystal in the cabinet, was  
 12 there anything identify-- specifically identifiable on  
 13 that crystal to your family?  
 14 A. Identifiable to me?  
 15 Q. Yes.  
 16 A. If I would see it, probably, but -- at that  
 17 age, you know, they didn't let children go and touch  
 18 that.  
 19 Q. What about any of the silver? Was there  
 20 anything particularly? Were there initials or anything  
 21 identifying on them?  
 22 A. Not initials but the way the lines were going  
 23 (indicating).  
 24 Q. What about the kiddish cups?  
 25 A. They had inscriptions, Hebrew, but I don't

1 New York?  
 2 A. Yes. In New York?  
 3 Q. Yes.  
 4 A. Yes.  
 5 Q. When did you do that?  
 6 A. About five years ago.  
 7 Q. Had you been there before that?  
 8 A. No.  
 9 Q. Have you visited the Holocaust museum in  
 10 Washington, D.C.?  
 11 A. Yes.  
 12 Q. When did you do that?  
 13 A. Two -- two or three months ago.  
 14 Q. Okay. Have you been to a Holocaust museum  
 15 anywhere else?  
 16 A. Well, I don't know. The Yed Yeshim, you call  
 17 it a museum?  
 18 Q. Where is that?  
 19 A. The Yed Yeshim in Israel.  
 20 Q. When were you there?  
 21 A. Seven -- about seven years ago.  
 22 Q. Any other type of museum?  
 23 A. Museums, no.  
 24 MS. MCKEE: If we could take a break for just  
 25 a few minutes.

1 remember them.  
 2 Q. Were those inscriptions specific to your  
 3 family?  
 4 A. Yeah.  
 5 Q. Did they mention your family's name?  
 6 A. Well, it was my -- one of them was my great  
 7 grandfather.  
 8 Q. Did they mention his name?  
 9 A. Initials, yeah.  
 10 Q. His initials. Okay. What about the jewelry,  
 11 was there anything identifying on the jewelry?  
 12 A. I never really looked at the rings on the  
 13 fingers.  
 14 Q. Thank you. Sir, do you have an estimate of  
 15 the total value of this property that your family lost  
 16 during the war?  
 17 A. I really never sat down to try and come up  
 18 with the figure because it's something irreplaceable.  
 19 To set a value on something that was part of you, and  
 20 part of your family, going back, I don't know how many  
 21 years, wouldn't be easy.  
 22 Q. Do you know in this lawsuit that you are  
 23 limited to recovering only \$10,000?  
 24 A. Yes.  
 25 Q. Sir, have you visited the Holocaust museum in

1 THE VIDEOGRAPHER: Going off the video record.  
 2 The time is 10:56 a.m.  
 3 (Short break taken)  
 4 THE VIDEOGRAPHER: We are back on the video  
 5 record. The time is 11:03 a.m.  
 6 BY MS. MCKEE:  
 7 Q. We are back after the break. Thank you for  
 8 that.  
 9 A. Okay.  
 10 Q. I just have a few more questions for you and  
 11 we will be done. Mr. Mermelstein, are you aware that  
 12 this case has been filed as a class action?  
 13 A. Yes.  
 14 Q. What does that mean to you?  
 15 A. It means --  
 16 MR. DUBBIN: Let me just object to the extent  
 17 it calls for a legal conclusion but you can answer.  
 18 THE WITNESS: I just hope it will come to a  
 19 close.  
 20 BY MS. MCKEE:  
 21 Q. What do you know about what a class action  
 22 suit is?  
 23 A. Well, when an attorney files a lawsuit for a  
 24 group of people.  
 25 Q. You, sir, are representative of the class; is



1 that correct?

2 A. I don't know what that means.

3 MR. DUBBIN: Again, you are calling for a  
4 legal conclusion. He's a plaintiff in the case.  
5 We, the lawyers, have pled the case and he's one of  
6 the named plaintiffs. And we have alleged that he's  
7 representative of the people who experienced what he  
8 went through.

9 BY MS. McKEE:

10 Q. Sir, how many people do you estimate are in  
11 the class, other survivors like yourself who are making  
12 these claims against the United States?

13 A. I would say maybe up to about 10,000.

14 Q. What is that estimate based on?

15 A. Just from talking to people.

16 Q. From talking to other survivors?

17 A. From calls that I get.

18 Q. You, sir, are a named plaintiff. Your name is  
19 on the complaint. But then there are also absent class  
20 members, people whose names are not on the complaint; is  
21 that right?

22 A. Yes.

23 Q. Is it possible that an absent class member  
24 could have -- have property of more than \$10,000?

25 MR. DUBBIN: Objection. You are calling for

1 not sure.

2 Q. So you don't have any position on that?

3 A. No.

4 Q. Are you confident, sir, that there will be  
5 adequate funding to proceed with the lawsuit?

6 A. Oh, yeah.

7 MS. McKEE: With that, then, I thank you for  
8 your time. It was a pleasure to meet you.

9 THE WITNESS: Same here.

10 MS. McKEE: And we conclude this deposition.

11 MR. DUBBIN: Okay. Except for  
12 cross-examination which I will now conduct. Okay.  
13 So I will be asking questions the same way the  
14 government did.

15 CROSS EXAMINATION

16 BY MR. DUBBIN:

17 Q. And same rules apply. If you don't understand  
18 my question, tell me. Make sure you understand the  
19 question before you answer it. Okay? Describe your --  
20 who lived in your house back in, you know, the late  
21 '30s, early '40s.

22 A. My grandparents, my aunt, my parents, five --  
23 we were five brothers and a sister.

24 Q. Okay. In the spring of 1944 tell us what  
25 happened to your family.

1 speculation by the witness.

2 THE WITNESS: Well, everybody would estimate  
3 their values at -- to set a price would be very,  
4 very difficult.

5 BY MS. McKEE:

6 Q. Have you spoken with other class members about  
7 their property?

8 A. Value of the property?

9 MR. DUBBIN: Listen to the question carefully.

10 BY MS. McKEE:

11 Q. Have you spoken to other class members about  
12 their property?

13 A. Not particular property, no.

14 Q. Have you discussed the value of that property  
15 with any of them?

16 A. No.

17 Q. If there is a money award in this case, sir,  
18 how do you believe it should be allocated among the  
19 up to 10,000 plaintiffs?

20 MR. DUBBIN: Again, I object to what --  
21 calling for a legal conclusion. I mean the way a  
22 settlement is structured is determined by the court.

23 BY MS. McKEE:

24 Q. If you could answer, sir.

25 A. Well, I thought the court would decide. I am

1 A. Well, in April, the beginning of April -- was  
2 a couple of days after Passover. The town was  
3 surrounded and we got a notice to pack, that we leave,  
4 and gave us an hour time to pack.

5 Q. How was that notice delivered?

6 A. A guy with a -- the way they made the  
7 announcement -- in the town, a guy with a drum, and just  
8 kept repeating as he went through the town.

9 Q. Did you consider the possibility of not  
10 following the order?

11 A. Well, no, because they said anybody will be  
12 missing from the family they'll shoot the family. So  
13 nobody didn't think of --

14 Q. So tell us what happened after you received  
15 the notice. What did you do?

16 A. So we packed whatever we could, and they came  
17 from house to house and got us out, sealed the door and  
18 took us to the synagogue until they had the whole town  
19 together. Then they took us to the train and were sent  
20 to the ghetto in Beregszasz.

21 Q. And when they sealed the door behind you, the  
22 property you described earlier in your deposition, the  
23 china, the crystal, the linens, the silver, the Shabbat  
24 candlesticks, the kiddish cups and the like, those were  
25 still inside the house, correct?

1 A. Yeah. Yes.  
 2 Q. So after you -- tell us what happened when you  
 3 arrived in the ghetto.  
 4 A. Well, the ghetto, we had high -- barbed wire  
 5 fences. Guards were there. Nobody could come in,  
 6 nobody could go out. And then one morning an  
 7 announcement came that anybody that has gold, silver or  
 8 valuta -- that's like foreign currency -- to turn it in,  
 9 because if they will catch anybody with it they would  
 10 shoot them. So they went around with buckets and  
 11 everybody took off the -- all the jewelry that they had.  
 12 Q. And you witnessed this yourself?  
 13 A. Yes, yes.  
 14 Q. Did you and your family have to remove your  
 15 jewelry and put it in the bucket?  
 16 A. Yes.  
 17 Q. And which family members were with you in the  
 18 ghetto at that time?  
 19 A. All -- all of them.  
 20 Q. And is some of the jewelry that you mentioned,  
 21 that you are claiming in this lawsuit, is some of the  
 22 jewelry that was taken from you in the ghetto among the  
 23 jewelry that you are seeking compensation for in this  
 24 suit?  
 25 A. Yes.

1 A. The whole family.  
 2 Q. So you were in the same car together?  
 3 A. Yeah.  
 4 Q. How long was the -- how long did it take to  
 5 get from the ghetto to Auschwitz?  
 6 A. Two days and a night.  
 7 Q. Please describe what happened when you arrived  
 8 in Auschwitz.  
 9 A. We arrived in Auschwitz. The train went right  
 10 into the camp from -- the train stopped. The doors  
 11 opened. They rushed us off the wagons. They said,  
 12 leave everything there, everything will follow you. We  
 13 got off, lined up, men on one side, women and children  
 14 on the left. You saw barracks with children, old  
 15 people. A band was playing. Didn't have no idea where  
 16 we are going or what's going to happen.  
 17 Q. What -- were you able to communicate with your  
 18 family during this -- during the time you were arriving  
 19 at Auschwitz?  
 20 A. Yes.  
 21 Q. What -- what did you all discuss?  
 22 A. What's going to happen. Nobody knew. We were  
 23 under the assumption that they were sending us to a work  
 24 camp. That's what the rumors were then.  
 25 Q. How old were you at this time.

1 Q. Okay. How -- after they collected your  
 2 jewelry, describe what life was like. Like where did  
 3 you sleep in the ghetto?  
 4 A. Slept on the floor. Just a blanket that we  
 5 brought along. They cooked us soup, one soup a day, and  
 6 plus we ate -- rationed whatever we brought along.  
 7 Q. How long were you in the ghetto?  
 8 A. A month.  
 9 Q. Okay. What -- describe the circumstances  
 10 under which you left -- left the ghetto.  
 11 A. Well, one -- one morning they just --  
 12 announcement to get ready to leave, and they took us to  
 13 the station -- to the station. There were those cattle  
 14 cars where they filled up the wagon, close to about 100  
 15 people in a wagon. They put in two buckets, one bucket  
 16 of water and one for facilities. Not knowing how long  
 17 that has to last. So the water was rationed a  
 18 tablespoon at a time. And you can imagine having --  
 19 from babies, young children, middle age parents,  
 20 grandparents; the worst thing was when somebody had to  
 21 use the facilities. Didn't know how long that was going  
 22 to last, but it lasted two days and a night until we got  
 23 to Auschwitz. Want me to go on?  
 24 Q. Who accompanied you on the train to Auschwitz  
 25 from your camp?

1 Mr. Mermelstein?  
 2 A. 15 and a half.  
 3 Q. Did you and your parents talk at all about  
 4 what to expect, what to do?  
 5 A. No, because we didn't know what to expect.  
 6 Nobody knew.  
 7 Q. So you arrived, and they separated the men and  
 8 the women?  
 9 A. Yeah, and started to walk to the front. And  
 10 then we were about ten feet before the front. My father  
 11 saw that they separating. So he came over and told me  
 12 to be sure -- I should stay with my brothers. I had two  
 13 older brothers. So when we came to the front and I saw  
 14 my whole family goes to the left and the two brothers to  
 15 the right. So I kind of stopped for a second. And then  
 16 I saw the SS coming with the stick so I just ran to the  
 17 right. At that time it meant life or death. So it was  
 18 like somebody up there (indicating) told me, run to the  
 19 right.  
 20 Q. What happened then, the people who went to the  
 21 left?  
 22 A. They went straight to the gas chambers.  
 23 Q. And that included who in your family?  
 24 A. Yeah.  
 25 Q. Your mother and your father?

1 A. Yeah. Two brothers, a sister, my aunt,  
2 grandparents?

3 Q. So you went to the right with your brothers.  
4 What happened after that?

5 A. After that, one of the trustees came by and  
6 told me to stretch out and pinch yourself and left. I  
7 couldn't ask why. But I ran between my two brothers,  
8 stepped on their shoes, stretched out to look taller.  
9 Later on I found out why: Because they only send people  
10 that could go to work. And being that he saw I was  
11 young -- so it helped at that time.

12 Q. So after you stood on your brothers' feet and  
13 made yourself appear bigger, what transpired after that?

14 A. Then we went to a barrack where they cut our  
15 hair, told us to undress and walk through a shower. The  
16 only thing we kept our own was the shoes. They gave us  
17 a cap, a shirt and a -- pants. That's the only thing we  
18 had.

19 Q. Would you, please, describe what daily life  
20 was like at Auschwitz.

21 A. Well, in Auschwitz I was only a few days until  
22 they need people for a work camp. So we were sent out.  
23 But when we came to the -- to the barrack that we were  
24 assigned to there was the commander. He kind of  
25 welcomed us. And those words I will never forget. He

1 night, and the smoke was terrible, so we figured out  
2 what was happening.

3 Q. And that was at Auschwitz before you went to  
4 the work detail?

5 A. Yeah. Then they sent to us a work camp.

6 Q. Okay. Tell us about daily life in the work  
7 camp.

8 A. That was also a camp by -- fences, the tower  
9 guards. And in the morning was roll call, every morning  
10 and every night. Before we went out to work, we were  
11 counted. Coming back from work, we were counted. If we  
12 made a mistake, they made us stay on our knees until  
13 they recounted.

14 THE REPORTER: I didn't understand. They  
15 made us stay on --

16 THE WITNESS: On the knees.

17 THE REPORTER: Okay.

18 THE WITNESS: Until they recounted to make  
19 sure that everybody was accounted for. Not that  
20 anybody could run away, because we went to work with  
21 guards. Always. Could never walk away out of line  
22 or something because our job was -- we were  
23 building a rail -- a small railroad, those small  
24 trains, by a mountain, because they figured  
25 Americans wouldn't suspect a railroad by a mountain.

1 said: "You came here. You saw the sign on the gate  
2 where you walked into the camp, "Arbite Mact Fry," work  
3 makes you free." He says: "Don't believe it. You came  
4 here to die. You are just waiting your turn." If I  
5 don't like the way you look at me or if I don't like the  
6 way you standing, I'll kill you and I don't have to  
7 account to nobody." Took out his gun and just shot a  
8 guy there in the side (indicating).

9 Some people couldn't take it the first day,  
10 the second day. They ran to the fence. All the  
11 fence -- there was more than one fence. It was like  
12 sections in Auschwitz; one section for work, one section  
13 for -- to be killed, and one section to wait for  
14 assignments. People ran over to the fence and killed  
15 themselves. That's when my oldest brother took the two  
16 of us, and he made us promise that we would never do  
17 anything to help the German accomplish what they want  
18 to.

19 So when he left, we went in the barrack and we  
20 asked the trustee -- we cannot see our parents or where  
21 did they go. And he called us to the door. He says:  
22 "You see that smoke? There are no parents. There are  
23 no brothers. They're all in heaven." Even at that time  
24 you couldn't believe that would be true. But being  
25 there a few days and seeing all the people go in day and

1 So we took turns of using the equipment.

2 My first job was to use an air hammer, sledge  
3 hammer. That thing was so heavy I couldn't pick it  
4 up. But I knew you had to do something. Otherwise,  
5 you don't live. So when it came my turn, I took the  
6 air hammer -- and the guards always walked in the  
7 back of us, so I always made sure that I -- my back  
8 is towards him so he couldn't see the front. And I  
9 squeezed the handles. And you know, when you  
10 squeeze the handles it makes a noise, so -- and I  
11 was shaken. So I got by like that for about a week.  
12 That was -- in the morning the menu was a black cup  
13 of coffee. Lunch, vegetable soup, green leaves,  
14 stuff like that. At night, a slice of bread and a  
15 cup of coffee.

16 BY MR. DUBBIN:

17 Q. How long were you in that -- that work camp?

18 A. We got there in end of April of '44 until the  
19 end of the year. When the Russians were approaching  
20 they were so close that we thought we would be liberated  
21 any minute. We were locked in the barracks. Nobody  
22 could open a window, look out, but the shooting was  
23 going on, and we knew it was the Russians. We could  
24 tell the planes. You could hear them further than you  
25 could see them. The American, the British planes used

1 to come fly quietly in different ways. But shooting  
2 stopped, and they found one way out. So that's when we  
3 started on the Death March.

4 Q. About what month was that, Mr. Mermelstein?

5 A. The end of September, October.

6 Q. Okay. You said we started the Death March.  
7 Would you explain what you mean by that.

8 A. Well, we started to walk day and night.

9 Q. Was this under -- were you under Nazi --

10 A. Oh, yeah.

11 Q. -- domination at the --

12 A. Yeah.

13 Q. Who told you there was going -- who took you  
14 out of the work camp on the march?

15 A. The Germans.

16 Q. And where did they tell you you were going?

17 A. Didn't -- they never said nothing to you.

18 Just, ready? We going to go. Didn't know where or  
19 when. Walk day and night. People -- from other camps  
20 we met, people were dying. They couldn't walk, they  
21 shot them. At that time I got separated from my oldest  
22 brother, and I was with one brother until we got to a  
23 big farm. There they got some green stuff, cooked it.  
24 We ate. Then they put us on a train. No -- no top.  
25 And in Europe in October is already cold. Not even like

1 it was, but working on the train, I was able to  
2 steal some coal, the black coal, and we were eating  
3 that. And eating that black coal, not brushing your  
4 teeth, my gums -- I had more gum operations here in  
5 Miami than I could count. I lost all my teeth on  
6 top.

7 And I went to the hospital. The hospital was  
8 a barrack with three rooms. They had bunk beds,  
9 four people in a bed and two under the bed. When  
10 you first came in you went under the bed. And under  
11 the bed you couldn't turn over. You had to pull  
12 yourself out, turn over and slide back in until  
13 somebody died. Then we took the person out, then  
14 went in there.

15 BY MR. DUBBIN:

16 Q. Which camp is this?

17 A. Ebensee. And there they hardly fed us at all.  
18 So the people from the third room, when they died, there  
19 was a double window. They just threw them out. You  
20 could see stacks up high. The crematorium couldn't burn  
21 them fast enough. So as the people came in the first  
22 room, the rest of us were moved down. And if they  
23 needed room, the one -- the very last ones, they just  
24 threw them out alive. And we knew they were alive  
25 because we heard them moaning and moaning. I was

1 Washington (indicating). Cold. Was no top. It was  
2 raining, snowing. We were sitting in one position.  
3 There was no room to lay down or stretch out. And all  
4 we had is what I told you, that one shirt and pants, was  
5 wet, cold. Until we got to a camp called Mathausen.  
6 Stayed there all day in the trucks, and then they send  
7 us to another camp called Ebensee, E-B-N-S-E-E. And  
8 there was -- that camp was built right after the  
9 Anschluss, when Germany united with Austria. It was  
10 called verrichtung lager vor die Liefeschocher becher.

11 MR. DUBBIN: We'll give you the spelling  
12 later.

13 THE WITNESS: A death camp for political  
14 gangsters. There we worked in the tunnels. My job  
15 was to hook up those little wagons when they were  
16 filled up, brought out. And in the tunnels there  
17 were different clays. And somebody said that it's  
18 good, that they make margarine out of that. So we  
19 started to eat the clay. I don't even want to tell  
20 you what happened after. When they ate that clay  
21 people were dying. And one time I told the guy --  
22 showed him to stop. The train, he didn't. And I  
23 smashed my hand. And if you couldn't work you had  
24 to go to -- step out in the morning and go to the  
25 hospital. But before that, the food I told you what

1 already at the second door -- second room by the door  
2 ready to go in the third room. So it would have been a  
3 matter of days. But we were lucky. One morning we woke  
4 up and there were no guards. So those that could walk  
5 ran out, and they came back and hollered: "There are no  
6 Germans. The gates are open."

7 So me and three of my friends, they were a  
8 year older, we rolled out, we pulled ourselves on the  
9 hand and knees to get outside. Then I saw the tanks  
10 coming in. They were something. That was the first  
11 time I saw black face sticking out of the tank. We  
12 didn't know what it was but we saw the teeth.

13 Q. And who was it?

14 A. American soldiers.

15 Q. You were liberated by American soldiers?

16 A. By the American Army, yes, the Third Army.

17 And then a soldier came by and tried to pick me up, and  
18 he couldn't because everything was just hanging. So he  
19 called another guy. And even the two of them were  
20 afraid. So they went and got a board and took me to a  
21 field hospital that they had, showered, and they fed us  
22 every hour on the hour for about six weeks. Then the  
23 American Army took us to Czechoslovakia. And from  
24 there -- we slept over there. The next day we went to  
25 Prague, to the capital.

1 Q. So let me get this straight. You were -- upon  
2 liberation you were liberated by the American Army?

3 A. Oh, yeah.

4 Q. And you were cared for in an American  
5 hospital?

6 A. Yes.

7 Q. Okay. And how do you know that they were  
8 American?

9 A. Oh, well, we saw the -- the white star on the  
10 tank. And we couldn't speak. They couldn't speak to  
11 us. But later on they had chaplains that came and we  
12 were able to speak to them.

13 Q. And it was approximately how many weeks that  
14 you were under the care of the American medical care?

15 A. Six weeks there, until I was able to walk a  
16 little. So I was anxious to -- to go. So in Prague, me  
17 and two other guys, we used to meet people, the  
18 stations, whatever. The first thing we asked: "What  
19 camps were you in? Anybody from" -- like I would say  
20 Miami. And this is how we found out which survivors  
21 survived.

22 Q. The date that the American army came into the  
23 camp to bring you out, do you remember that date?

24 A. May the 5th.

25 Q. 1945?

1 Czech people didn't let us go. They took away our  
2 clothes, kept us there for a week. They wanted to make  
3 sure that we get a little stronger.

4 Q. And about what month was that when you were in  
5 Prague?

6 A. In June -- May, June, end of June, July. Then  
7 we went back home.

8 Q. And that's when you went back to your house?

9 A. Yeah.

10 Q. And as you testified before, what did you find  
11 when you went back to your house?

12 A. Nothing.

13 Q. And do you have any --

14 A. Not even -- not even a picture.

15 Q. Do you have any way of knowing how the  
16 Hungarians handled your property? Do you know whether  
17 the Hungarians put your property in a box with your  
18 family's name on it after you were sent to the ghetto?

19 A. No. No.

20 Q. You don't know whether they put it in a box  
21 with --

22 A. No.

23 Q. -- a list with your family's name on it or  
24 not, do you?

25 A. No.

1 A. We didn't know what day it was but they told  
2 us then. Because never saw a calendar, never saw  
3 papers, so we didn't know -- especially in the hospital,  
4 we didn't know day or night.

5 Q. And just to make it clear, during the time you  
6 were in the ghetto after you turned your property over  
7 and the time you were on your way to Auschwitz, in  
8 Auschwitz in the work camps and in the other camps, did  
9 anybody tell you what the Hungarians had done with your  
10 property?

11 A. No.

12 Q. Was there any talk of a gold train when you  
13 were in the camp?

14 A. No. At that time it was not mine, no. At  
15 that time the only thing on our mind was to go home and  
16 see if somebody came back.

17 Q. So during your time in camp there was no talk  
18 about property?

19 A. No. To get healthy and go home.

20 Q. And then after -- after you convalesced under  
21 the care of the Americans your first priority was to see  
22 who survived, right?

23 A. Yes. But in Prague the three of us collapsed,  
24 and they took us into a building and kept us there  
25 overnight. In the morning we wanted to go, but the

1 Q. Before, when you made an estimate that there  
2 would be 10,000 members of the class, were you referring  
3 to the number who live in the United States?

4 A. Yes.

5 Q. You weren't necessarily making an estimate as  
6 to the numbers that live in Hungary, Israel or anywhere?

7 A. No, I couldn't, I couldn't, no.

8 MR. DUBBIN: Could we take a break here for a  
9 second.

10 THE VIDEOGRAPHER: Going off the video record  
11 the time is 11:34 a.m.

12 (Short break taken)

13 THE VIDEOGRAPHER: We are back on the video  
14 record. The time is 11:40 a.m.

15 BY MR. DUBBIN:

16 Q. Okay. You went home. Someone else lived in  
17 the apartment and your family's property was gone. And  
18 tell me. Then you went -- how was it that you made it  
19 to the DP camp from there?

20 A. I was home, and we were restless. People were  
21 talking because we didn't see the Czech government. And  
22 that state was called the Carpathian Mountains. Until  
23 one morning we wake up, an announcement comes out. It's  
24 part of Russia. Nobody could leave town without a  
25 permit. You can't sell the house. It's not yours. To

1 go to the next town you have to get a permit. The MKVD  
 2 was marching down, the teachers right behind them. They  
 3 came with everything. In one hour, everything was taken  
 4 over, the money was being changed. No matter how much  
 5 money you had, you got 200 rubles, something like \$200.  
 6 And I wanted to go to the next town so that -- a permit  
 7 just for a day, because the next town was a bigger town  
 8 and they had a public kitchen supported by the United  
 9 Jewish Federations. And we used to get together there  
 10 and find out who came home, what camps they were in, if  
 11 they knew somebody from my town. That's the way,  
 12 actually, we found out who survived, who didn't, going  
 13 from one station to the next, from one city to the next,  
 14 always talked only about one thing, actually: What  
 15 camps, anybody from there. And I got the 200 rubles.  
 16 So I was -- for a few minutes I was thinking what to do.  
 17 I saw a clerk in the next office. I went in there. I  
 18 told them to make me a permit. I want to go to the next  
 19 town. He couldn't, he said. So I took out 50 rubles  
 20 and I put that on the table for him. He looked around,  
 21 didn't see nobody. Made it. So I put in my pocket, and  
 22 I took another 50. I said, now make me that I am a  
 23 Czech citizen because you know where I was born, you  
 24 know I was (indicating) -- so he made me one. But  
 25 remember, when I went to the next town to the kitchen, I

1 said: "I came home from the camps and I am looking  
 2 for family."  
 3 So he looked at me up and down. Then, with  
 4 his finger, he waved three times to go straight  
 5 home. "Don't let me ever see you here again because  
 6 you know what will happen."  
 7 So I went back home. My friend -- my  
 8 brother's friends, one couple got married, and one  
 9 got engaged, and they were planning to leave, too.  
 10 So I says: "I'm going, too."  
 11 So we got together and we figured we'll go to  
 12 the capital of the Carpathian and find somebody  
 13 there, see if we could buy or do anything,  
 14 something.  
 15 BY MR. DUBBIN:  
 16 Q. Okay. Let's -- he's going to have to change  
 17 the tape in about a minute so why don't -- you want to  
 18 change it now?  
 19 THE VIDEOGRAPHER: This will be the end of  
 20 videotape number one. The time is 11:45 a.m. We  
 21 are going off the video record.  
 22 (Discussion off the record)  
 23 THE VIDEOGRAPHER: We're back on the video  
 24 record. This is videotape number two. Time is  
 25 11:47 a.m.

1 saw two young ladies working there. Somebody asked me  
 2 how I met my wife? I don't know. Was it you?  
 3 MS. MCKEE: Yes.  
 4 THE WITNESS: Two young ladies. But at that  
 5 time I was 15 -- I was 16 and a half and she was a  
 6 little younger. We didn't even talk. So then I  
 7 remembered that slip to do -- to cross. So I  
 8 figured, I will show them that I am a Czech citizen,  
 9 they let me cross the border.  
 10 Came there. The Russian officer looked at the  
 11 paper, tore it up and just threw it away. And there  
 12 was nobody to talk to. You couldn't go no place,  
 13 and that was it. So I figured, I will wait until at  
 14 night until it's dark, and I will go way out of town  
 15 and I will cross the border. But I was arrested by  
 16 the Russian border police, the dogs started to bark,  
 17 and charged with treason, trying to leave the  
 18 country, taking Russian money. And in the morning  
 19 they took me to the headquarters. It was the rus--  
 20 one Russian officer sitting there. Five gold stars.  
 21 I counted them many times. And after the guy read  
 22 out the charges he asked me what I had to say.  
 23 Well, naturally, I denied everything. I wasn't  
 24 going to cross the border. I love it here. He  
 25 says: "What are you doing here at the station?" I

1 BY MR. DUBBIN:  
 2 Q. You were explaining how you were going to try  
 3 to go with a married couple to get out of your hometown.  
 4 A. Yeah.  
 5 Q. Okay.  
 6 A. So the five of us went to the capital.  
 7 Q. Who were the five?  
 8 A. Me and friends of my brother's. And we got  
 9 there, all day. We met some people but nobody know how  
 10 to help us try to get across. And this I remember like  
 11 today. It was 4:30 in the afternoon. It was getting  
 12 dark. Here we are in a strange city, nowhere to sleep  
 13 and watching the MKVD, the secret police. Until a man  
 14 started to follow us. And we were boarding, so we  
 15 started to walk away, and he came running over, and he  
 16 recognized me. He was one of the guys sleeping under  
 17 the bed and I helped him when a guy next to me died. So  
 18 we took him out and I helped him come in.  
 19 So he took us home. He had two rooms. He  
 20 gave us one room. And we told him why we there. So he  
 21 went out to try and find out -- see what he could find  
 22 out from the people that he knew. He came back. He  
 23 says: "Nothing could be done. Nobody knows of anything  
 24 except there is -- by the border there is a Jewish  
 25 baker, one man there. And he should be able to help

1 us." ...  
 2 So we went there. We found the bakery, and we  
 3 told him what we want to do. He begged us not to go.  
 4 He says: "Look across the street. There are three  
 5 wagons there." And there was a mountain. He says:  
 6 "Anybody caught is being locked up in the wagon. When  
 7 it's full they ship it to Siberia." Or if you walk up  
 8 the mountains, we don't know where the soldiers are and  
 9 they could shoot or capture us.

10 So we had three chances: Get shot, get caught  
 11 and Siberia, or make it. Well, you could see which  
 12 decision we took. But the guy didn't want no Russian  
 13 money. He didn't want no Czech money. He wanted only  
 14 dollars. Dollars, in Europe, even before the war, was  
 15 tough. But after the war -- but to our luck, the couple  
 16 that was married, where she came home -- before they  
 17 took them away the father showed him that he buried a  
 18 can with a couple of things in there. And in that can  
 19 was \$5. And that \$5 took the five of us across.

20 So we got to a small town in Slovakia, knocked  
 21 on the door, the farmer let us in. We slept there. In  
 22 the morning we wanted to go to the capital of Slovakia.  
 23 He says: "You're too far from that." The next city  
 24 was -- I think was 20 miles. No bus, no train, only a  
 25 horse and buggy goes that way. And how much was that?

1 guys to buy us tickets far -- to the furthest city in  
 2 Slovakia and told the guy to get a horse and buggy and  
 3 take us. Don't let us off until the train is actually  
 4 there.

5 So we left there and we went to the capital of  
 6 Slovakia. There we were already safe. Then in the  
 7 morning my friends and we went to the flea market. They  
 8 had some stuff to sell. I had four cigarettes to my  
 9 name. And I needed a pair of shoes. So went to the  
 10 flea market and I saw a guy with a pair of shoes. How  
 11 much? He said -- so many kronens. I said: "I don't  
 12 have no money but I have cigarettes." He said: "12?" I  
 13 said: "No. I saw a pair there for four. So I  
 14 guess" -- he said: "No, no." So I started to walk away  
 15 but he called me back. Didn't look at the size, didn't  
 16 look at the color. Just got them. We went back to the  
 17 room. They had enough money to go halfway to Prague. I  
 18 didn't have a penny. We go to the train, and I met some  
 19 people there. One of them happens to be Rosner. He is  
 20 on the (indicating) -- and I remember I asked him if he  
 21 is taking an express or a local. He says: "What  
 22 difference does it make to you? You don't have no money  
 23 anyway." I said: "Well, if they catch me with an  
 24 express I will be so much closer." Anyway, we all got  
 25 on the train. They set down. When I saw the conductor

1 A thousand kronen, Czech krone. Between the five of us  
 2 we only had 25.

3 So we started to walk, 6:00 in the morning,  
 4 and we got there 5:00 o'clock in the afternoon. On the  
 5 way we were stopped by the police. They thought we were  
 6 black marketeers, until I showed them my shoes, what --  
 7 when we crossed down from the mountain there was a  
 8 little water, and my sole got caught, tore off. So I  
 9 tied it up with a string. So he saw that and they let  
 10 us go. We came to a city, Sobrance. And we sold some  
 11 cigarettes that we brought along. We knew cigarettes  
 12 were scarce in Slovakia. So we got enough money to go  
 13 to the next city, because it was illegal to help us  
 14 refugees from the Soviet Union. So we wanted to go away  
 15 as far as possible.

16 So we went to the next city, and there we  
 17 asked for a Jewish community. It's a big city. So one  
 18 guy says: "Follow me." But he didn't want to talk to  
 19 us. He was afraid even dare to talk to us. So we came  
 20 there, and it was a little community center. And the  
 21 people were praying already, and we went in there. We  
 22 knew if we want to eat we have to go pray first. So  
 23 there a man recognized me, too, from the hospital. And  
 24 after the service he asked, what are we doing here. So  
 25 we told him. So he got us some food, and he sent two

1 coming in, I went under the bench. And Rosner was  
 2 hiding me. But they didn't tell me the pipes are hot.  
 3 So when the conductor left I came out, and we were going  
 4 back and forth. When the train stopped, we watched the  
 5 conductor. If he was on this side we were walking the  
 6 other way. The two girls were sitting there. They  
 7 asked them for tickets. They said we have it. Until we  
 8 got to Prague. And we come out, and we see the Russian  
 9 MKVD and the Czech police at the station checking  
 10 everybody. And they asked them for tickets. We don't  
 11 have no tickets. So we ran back, had a little  
 12 conference. What do we do? So we decided each one of  
 13 us should go in a separate line, and when they say  
 14 tickets, he has it (indicating). So we went through.  
 15 Then we were going to -- they had some family, and I met  
 16 somebody at the train. They said my uncle is in a city  
 17 not far from there. So I went there. And he told me I  
 18 have to go back to Prague to apply for citizenship  
 19 again.

20 So I went there, filled out the papers, and  
 21 the guy tells me I couldn't sign. I need a father. I  
 22 said: "I have no father." He says: "You must have a  
 23 mother." "Don't have a mother." He didn't tell me why  
 24 that I couldn't sign. I wasn't 18. So I just walked  
 25 away with the papers. That's the only thing I had. So

1 when I came to that city, 12:00 o'clock at night -- so I  
2 laid it on the bench and I slept. In the morning I woke  
3 up and a detective was right up -- standing there and  
4 waiting for me. Because I was blond, had long blond  
5 hair by then, blue eyes, looked just like a German.

6 So I showed him the papers and he said it was  
7 fine. So I started to walk. I figured I'm going to  
8 look for a -- for two signs to find somebody, somebody  
9 looks Jewish or a store with a name. Walking for a half  
10 an hour, and I met a cousin of mine on the street, 7:30  
11 in the morning. So he took me home. And at night I  
12 found my uncle, stayed there a week and started to talk.  
13 Russia was asking for the people back. So I saw I  
14 didn't want no part of that. So I heard people are  
15 going to Germany. So they organized groups, and we went  
16 to the Czech border to cross into Germany to be under  
17 the American zone again. So we did. And that's how I  
18 got to a displaced person camp. And from there to the  
19 children's group, finally from Bremerhaven took a  
20 liberty ship, Marine Fletcher.

21 Q. You are talking about your passage to the  
22 United States now?

23 A. Yes.

24 Q. Just one last question about the DP camp. In  
25 the camp, you lived there for over two years, right?

1 A. Um.

2 Q. Were you basically confined to living in the  
3 camp?

4 A. Yes.

5 Q. I mean you didn't have the ability to travel  
6 outside?

7 A. Yeah. We could travel outside, but the camp  
8 was -- we had DP police even, displaced persons police.  
9 The camp was, in a way, controlled by us. Except when  
10 the military police came sometime for something or  
11 other. But we were seven in a room, seven people in a  
12 room, and we had a meal ticket to get food.

13 Q. And you worked? Did you work --

14 A. No.

15 Q. -- in the camp?

16 A. No.

17 Q. Okay. And did you ever leave the camp?

18 A. Yes, but --

19 Q. For what?

20 A. Just to -- you heard somebody from my town is  
21 in the other city, so I went to find out what or -- you  
22 know. That's the only way we got news from one person  
23 to the next. There were no newspapers, no CNN, again.

24 MR. DUBBIN: Okay. That's my cross. Thank  
25 you.

1 REDIRECT EXAMINATION

2 BY MS. MCKEE:

3 Q. Mr. Mermelstein, I have just one or two  
4 questions. I just want to understand. Returning again  
5 to when the property was taken from your house, based on  
6 what you have said today, I think it's true that some  
7 property were taken by the gendarme, some was left in  
8 the seal -- in the house that was sealed, and some was  
9 taken -- some of the jewelry was taken from you and your  
10 family in the ghetto; is that correct?

11 A. Yes.

12 Q. Was there any other time that property was  
13 taken from you?

14 A. No.

15 Q. Was any of the jewelry -- was all of the  
16 jewelry taken in the ghetto?

17 A. Yeah, all that --

18 MR. DUBBIN: Let me -- would you mind  
19 rephrasing?

20 MS. MCKEE: I can do that. Yeah. I  
21 understand.

22 BY MS. MCKEE:

23 Q. Was any jewelry taken from the house?

24 A. Yeah.

25 Q. By the gendarme?

1 A. Yeah.

2 Q. And some jewelry was taken from the -- in the  
3 ghetto?

4 A. Yes.

5 Q. Do you remember which pieces were taken?

6 A. Well, they took all the rings, the necklace  
7 (indicating).

8 MR. DUBBIN: You mean in the ghetto? Maybe we  
9 should rephrase the question.

10 MS. MCKEE: Will you give me a moment?

11 MR. DUBBIN: I am sorry.

12 BY MS. MCKEE:

13 Q. Which pieces were taken from the house?

14 A. That was in that closet with the dowry.

15 Q. Do you remember which pieces were there?

16 A. No.

17 Q. Do you remember which pieces were taken in the  
18 ghetto?

19 A. Yeah. But I saw them take off from the neck  
20 and fingers.

21 Q. The necklace and the rings?

22 A. Yeah.

23 MS. MCKEE: I have no further questions.

24 MR. DUBBIN: Okay. Thank you very much for  
25 all your time.



1 MS. McKEE: Thank you very much.  
 2 THE WITNESS: Okay. Let me just tell you off  
 3 the record. You asked me how I met my wife?  
 4 MS. McKEE: Yes.  
 5 THE VIDEOGRAPHER: Did you say off the record?  
 6 THE WITNESS: Yes.  
 7 THE VIDEOGRAPHER: Please wait a second then.  
 8 This concludes the videotape deposition of David  
 9 Mermelstein consisting of two videotapes. The  
 10 original tapes of today's testimony will remain in  
 11 the custody of the United States Department of  
 12 Justice. Time is 12:02 p.m. We are going off the  
 13 video record.  
 14 (Thereupon, the taking of the deposition was concluded  
 15 at 12:02 p.m.)  
 16  
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 25

1  
 2 EXCEPT FOR THE CORRECTIONS  
 3 MADE HEREIN BY ME, I  
 4 CERTIFY THIS IS A TRUE AND  
 5 ACCURATE TRANSCRIPT.  
 6 FURTHER DEPONENT SAYETH  
 7 NOT.

DEPONENT

7 STATE OF FLORIDA )  
 8 ) SS  
 9 COUNTY OF BROWARD )

10 Sworn and subscribed to before me this day  
 11 of , 2003.

12 PERSONALLY KNOWN \_\_\_\_\_ OR I.D. \_\_\_\_\_  
 13

14 Notary Public in and for  
 15 the State of Florida at  
 16 Large  
 17  
 18  
 19  
 20  
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 25

CERTIFICATE OF OATH

1 STATE OF FLORIDA )  
 2 ) SS  
 3 COUNTY OF BROWARD )  
 4 I, Lois E. Guffey, RDR, CRR, and Notary Public in  
 5 and for the State of Florida at Large, do hereby certify  
 6 that the witness, DAVID MERMELSTEIN, personally appeared  
 7 before me and was duly sworn  
 8 Witness by hand and official seal this 22nd of  
 9 March, 2004, in the City of Hollywood, County of  
 10 Broward, State of Florida.

11 Lois E. Guffey, RDR, CRR, Notary  
 12 Public, State of Florida

REPORTER'S DEPOSITION CERTIFICATE

13 STATE OF FLORIDA )  
 14 ) SS  
 15 COUNTY OF BROWARD )  
 16 I, Lois E. Guffey, RDR, CRR, do hereby certify that  
 17 I was authorized to and did stenographically report the  
 18 deposition of DAVID MERMELSTEIN, the witness herein;  
 19 that a review of the transcript was requested; that the  
 20 foregoing pages, number from 1 through 96, inclusive, is  
 21 a true and complete record of my stenographic notes of  
 22 the deposition by said witness; and that this  
 23 computer-assisted transcript was prepared under my  
 24 supervision.

25 I FURTHER CERTIFY that I am not a relative,  
 employee, attorney or counsel of any of the parties, nor  
 am I a relative or employee of any of the parties'  
 attorney or counsel connected with the action.

DATED at Hollywood, Broward County, Florida, this  
 22nd of March, 2004.

LOIS E. GUFFEY, RDR  
 Certified Realtime Reporter

1 FERNANDEZ & ASSOCIATES  
 2 444 BRICKELL AVENUE  
 3 MIAMI, FLORIDA 33131  
 (305)374-8868

4 March 22, 2004

5 Samuel J. Dubbin, Esq.  
 6 SAMUEL J. DUBBIN, P.A.  
 7 Commercebank Center Fourth Floor  
 8 220 Alhambra Circle  
 Coral Gables, FL 33134

9 RE: Irving Rosner, et al. Vs. United States

10 Dear Mr. Dubbin:

11 With reference to the deposition of DAVID MERMELSTEIN  
 12 taken in connection with the above-captioned case,  
 13 please find enclosed the transcript of said deposition.  
 14 Please arrange to have the witness read your copy of the  
 15 transcript, denoting any corrections by page and line  
 16 number on the enclosed errata sheet. This errata sheet  
 17 must be signed by the witness and the original forwarded  
 18 to Ms. McKee.

19 If this has not been taken care of, however, in 30 days  
 20 or by the time of trial, whichever comes first, I shall  
 21 then conclude that the reading, subscribing and notice  
 22 of filing have been waived.

23 Yours very truly,

24 Lois E. Guffey "Lolane"  
 25

ERRATA SHEET

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Page No.	Line No.	Change	Reason

Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

Date \_\_\_\_\_ Signature: \_\_\_\_\_  
Name: (Printed)

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# EXHIBIT 11

Alpha List- June 21 & 22 Commission Meeting

London

As of 16 June, 2000: TOTAL: 87 people

- 1) Asher-Cohen, Karen Special Advisor to the Chairman
- 2) Baker, Andrew American Jewish Committee/Claims Conference
- 3) Balsiger-Signer, Sylvia Winterthur
- 4) Baseggio, Giulio RAS
- 5) Bialkin, Kenneth Skadden, Arps, Slate, Meagher & Flom – Generali
- 6) Bindenagel, J.D. US Department of State
- 7) Brown, Bobby David State of Israel
- 8) Brown, Madelymne State of Illinois, Dept of Insurance
- 9) Bucheton, Daniel Government of France
- 10) Burns, Bernadette ICHEIC
- 11) Burt, Richard IEP Advisors/Winterthur
- 12) Butte, Christianne AXA
- 13) Butler, David ICHEIC
- 14) Chakrin, Robert Advisor to Claims Conference
- 15) Cooper, Wendy The Equitable
- 16) Corinti, Alberto ISVAP
- 17) De Sutter, Francis Embassy of Belgium
- 18) Eagleburger, Lawrence S. Chairman
- 19) Edwards, Dan State of California
- 20) Ferras, Philippe AXA
- 21) Fischer, Eric Dutch Insurance Association
- 22) Fitchew, Geoffrey Vice Chairman, ICHEIC
- 23) Francis, Philip ICHEIC
- 24) Frank, Andrew Allianz
- 25) Franklin, Dale ICHEIC
- 26) Gerlach, Rudolph BAV-Germany
- 27) Goldstein, Jolanta Conference on Jewish Material Claims Against Germany
- 28) Grossman, Lynn Florida Department of Insurance
- 29) Handzel, Aleksandra Ministry of Foreign Affairs, Poland
- 30) Hartley, Beverly ICHEIC
- 31) Heilig, Karen Conference on Jewish Material Claims Against Germany
- 32) Hinkelmann, Torsten Winterthur
- 33) Honsel, Bernd Allianz
- 34) Howard, Tom Baker, Donelson, Bearman & Caldwell
- 35) Jelinek, Tomas Czech Republic
- 36) Joyce, Jenna ICHEIC
- 37) Kadden, Danny Washington State Office – Insurance Commissioner
- 38) Kalkman, W Dutch Insurance Association
- 39) Kinder, Nigel ICHEIC
- 40) Kent, Roman American Gathering of Jewish Holocaust Survivors
- 41) Koken, M. Diane Insurance Commissioner – State of Pennsylvania
- 42) Komeran, Gad State of Israel delegation

43) Laumann, Barbara	ICHEIC
44) Lefkin, Peter	Fireman's Fund/Allianz
45) Lenihan, Rose	ICHEIC
46) Levin, Neil D.	New York State Insurance Department
47) Lillie, Catherine	NY Holocaust Claims Processing Office
48) Loser, Costanza	Allianz
49) Madej, Mr. M.	Ministry of Foreign Affairs, Poland
50) Mankiewicz, Frank	Hill & Knowlton/ Consultant to Dutch Insurance Assoc.
51) Manning, Jody	U.S. Department of State
52) Matias, Shavit	State of Israel
53) Pastori, Guido	Generali
54) Perissinotto, Giovanni	Generali
55) Raives, Robert	Gilbert, Segall and Young-Zurich
56) Ramot, Zvi	JAFI/World Jewish Restitution Organization
57) Rosiak, Bozena	Ministry of Foreign Affairs, Poland
58) Saillard, Jean-Paul	AXA
59) Sanbar, Moshe	Claims Conference
60) Sansone, Alessandra	Zurich
61) Saueressig, Johann	Allianz
62) Schnabl, Marco	Skadden, Arps, Slate, Meagher & Flom - Generali
63) Schoch, Dr. Hans-Ulrich	Zurich
64) Sebelius, Kathleen	Commissioner for Kansas & Vice-President of NAIC 2000
65) Shalev, Benyamin	State of Israel
66) Sher, Neal M.	ICHEIC
67) Silverman, Dennis	Florida Dept. of Insurance
68) Singer, Israel	World Jewish Restitution Organization
69) Sitler, Jiri	Czech Republic
70) Sommer, Berri	ICHEIC
71) Stansfield, George	AXA
72) Steger, Yvonne	Dutch Insurance Association
73) Steinberg, Elan	World Jewish Restitution Organization
74) Taylor, Gideon	Conference on Jewish Material Claims Against Germany
75) Thalmann, Ulrich	Winterthur
76) Tiberini, Alberto	Generali
77) Tick, Leslie	California Insurance Dept.
78) Tregurtha, Gail	ICHEIC
79) Wall, Harry	Harry Wall and Associates
80) Weatherford, Catherine	NAIC Executive Vice President
81) Webster, William	Milbank Tweed
82) Weiss, Harriett	Allianz
83) Westmacott, Simon	ICHEIC
84) Woolley, Graham	ICHEIC
85) Zabudoff, Sid	Conference on Jewish Material Claims
86) Zuckerman, Arie	State of Israel
87) Zylinski, Tadeusz	Ministry of Foreign Affairs, Republic of Poland